

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.906 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- JAHANABAD District- Jehanabad

Shankar Kumar @ Raja Son Of Late Santosh Shah Resident Of Village- East
Unta In Front Of Sabji Mandi, P.S. And Dist. Jehanabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 414/34 of the Indian Penal Code.

According to prosecution case, as per the fardbeyan of informant that on 16.08.2021 at about 15.00 hours during the course of Gasti, he alongwith other police force was conducted vehicle checking at Hospital More and stopped a motorcycle without number plate and on the said motorcycle three persons were riding, the informant apprehended three persons namely,



Bholu Kumar @ Golu, Shankar Kaur @ Raja and Rupesh Kumar, on enquiry they did not provide the papers, hence the said motorcycle was seized.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that the allegation against the petitioner is that one motorcycle was recovered from possession of the petitioner and other co-accused persons and on enquiry they did not provide the paper so the petitioner has been implicated in the present case. He further submits that merely on the basis of the suspicion, the petitioner has been arrested and except the motorcycle in question nothing has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation, submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bholu Kumar @ Golu has been granted bail by this Court vide order dated 01.04.2022 passed in Cr. Misc. No. 62535 of 2021. The petitioner is in custody since 16.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than



the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jehanabad P.S. Case No. 502 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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