

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SHASTRINAGAR District- Patna

MD. EMAMUDDIN @ SONU Son of Md. Mazid Hussain @ Md. Masjid
Hussain R/o Anisabad, Police Colony, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra
		Mr. Sanjiv Sharan
For the Opposite Party/s	:	Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-07-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Shastri
Nagar P.S. Case No. 56 of 2021 registered for the offences
punishable under Sections 461, 379, 427 of the Indian Penal
Code.

Briefly stated fact of the prosecution case is that on
01.02.2021 the informant namely Neeraj Kumar who is Branch



Manager of Punjab National Bank situated at Raja Bazar, came to know that ATM of said bank situated at AG Colony was damaged by three unknown persons. Hence, the FIR has been registered against unknown.

Learned counsel for the petitioner submits that upon confessional statement of co-accused Vivek Kumar, name of present petitioner has been sprang up in the present case which has no legal relevancy in the eyes of law. He further submits that no incriminating material has been recovered from conscious possession of the petitioner. Petitioner has been remanded in this case on 18.08.2021 and since then he is languishing in jail custody. Petitioner has not been put on TIP. Petitioner bears criminal antecedent of three cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Co-accused Anil Kumar Sahani @ Vicky and Vikash Kumar Gupta @ Vikash Kumar have already been granted bail by this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-IV cum Additional Chief Judicial Magistrate-IV, Patna in connection with Shastri Nagar P.S. Case No. 56 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he



shall get his presence marked before the officer-in-charge of the
concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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