

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12267 of 2023**

Arising Out of PS. Case No.-29 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Suman Sourav Son Of Jageshwar Prasad @ Jageshwar Mahto R/O Village-
Khadiyahi, Ward No.06, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate Mr. Shishir Kumar Shishir, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.03.2022 in connection with Bibhutipur P.S. Case No. 29 of
2022, F.I.R. dated 21.01.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, one Kamal Kumar
Yadav filed a written report and alleging therein that on
21.01.2022 in the evening when he along with his friend Nitish
Kumar Thakur were returning from Baba Hospital by his Pulsar
motorcycle and when he reached at Tarunia field at about 6.45
P.M. in the evening then three persons ride on a motorcycle over
take to them and looted his motorcycle, Redmi company mobile



of his friend and one miscreant fled away towards Kalyanpur and other two fled away towards Dalsingsarai.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of self confessional statement of the petitioner which was recorded in Bibhutipur P.S. Case No. 38 of 2022 and the petitioner was remanded in the present case from Bibhutipur P.S. Case No. 38 of 2022 on 25.03.2022. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six 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 S.D.J.M., Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 29 of 2022, 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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