

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27131 of 2023

Arising Out of PS. Case No.-129 Year-2020 Thana- MOKAMAH District- Patna

SUMIT KUMAR Son of Sunil Mandal Resident of village-Garhi Lakhisarai Town, P.S. and District-Lakhisarai at present residing at Shankarwar Tola, Ward No. 16, Chintamanchak, P.S.-Mokama, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 15.10.2020 in connection with Mokama P.S. Case No. 129/2020, F.I.R. dated 30.06.2020, for the offences punishable under Sections 392 and 395 of the IPC.

The FIR is of the occurrence of loot and kidnapping is against unknown.

Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was rejected vide order dated 11.02.2022 in Cr. Misc. No. 29675 of 2021. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of information furnished by a spy and in T.I.P. the petitioner has been identified by the informant and on that ground earlier the bail petition of the petitioner was rejected.



Vide order dated 26.04.2023 a report was called for from the learned Trial Court. Report dated 17.05.2023 of the learned Trial Court reveals that the case record is pending before the Court for framing of charge and as yet the charge has not been framed against the petitioner and other accused persons.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 15.10.2020.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried six criminal antecedent other than the present one.

Considering the aforesaid facts and period of custody, 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 A.C.J.M.-II, Barh, Patna in connection with Mokama P.S. Case No.129/2020, 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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