

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28191 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SHEKHPURA District- Sheikhpura

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SUMIT KUMAR @ CHUTUK Son of Shankar Singh Resident of village-
Baliyari, Police Station-Pakribaram, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 21-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
13.02.2023 in connection with Sheikhpura P.S. Case No. 36/2023,
dated 24.01.2023, for the offences punishable under Sections 392
of the IPC.
3. According to prosecution case, while the informant
was going to deposit Rs. 12,50,000/- in PNB bank, in the
meantime, four unknown miscreants came on two motorcycles and
snatched the bag of the informant containing Rs. 12,50,000/- and
also took out the key of the informant's motorcycle and fled away.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further 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 confessional statement of the co-accused, namely, Raushan Kumar @ Kaju and thereafter the looted amount of Rs. 50,000/- has been recovered from the possession of the petitioner. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the recovered amount is not the looted amount rather the same belongs to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 13.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of co-accused, Rs. 50,000/- has been recovered from all the accused persons including the petitioner and thereafter they confessed their guilt in the present occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned C.J.M., Sheikhpura in connection with Sheikhpura P.S.
Case No.36/2023, 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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