

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40687 of 2023

Arising Out of PS. Case No.-767 Year-2021 Thana- SONEPUR District- Saran

SHIV SHANKAR KR @ SHIV SHANKAR KUMAR @ BITTU KUMAR
SON OF LATE NAND KISHORE RAY RESIDENT OF VILLAGE-
JAITIYA, PS- SONEPUR, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Mr. Mukesh Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner is an accused in connection with
Sonepur P.S. Case No. 767 of 2021 registered for the offences
under section 395 of the Indian Penal Code lodged on
23.12.2021 by the informant, Rameshwar Prasad.

As per the prosecution story, an unfortunate
owner/driver left Daniyawa for Govindchak with 380 bags of
ultratech cement and after taking dinner at a line hotel on NH-
19, went in the cabin to sleep. The accused persons came on a
Scorpio, took him as also the truck towards a secluded place,
snatched his purse having Rs. 4,200/-, mobile set and other
documents and later left him at a different place where the



empty truck was standing. Accordingly, he went to the police station with his truck and lodged the FIR.

Learned Counsel for the petitioner submits that for the said recovery of 72 bags of ultratech cement, both the petitioner as also his brother, Ramayan Kumar @ Ramayan Ray were made accused and the said Ramayan Kumar @ Ramayan Ray has since been released on bail vide Cr. Misc. No. 20181 of 2022 on 11.07.2022 (Annexure 2 to the bail application).

It is his further submission that some other similarly placed co-accuseds have also been granted bail.

Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that the other co-accuseds have been granted bail.

Considering the aforesaid facts as also that he is in custody since 28.03.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran in connection with Sonapur P.S. Case No. 767 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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