

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49495 of 2023

Arising Out of PS. Case No.-816 Year-2022 Thana- BARH District- Patna

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SUMIT KUMAR @ JELAR YADAV S/O LATE HARE RAM YADAV R/O
Village- Chaperatar, P.S- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 22.02.2023 in connection with Barh P.S. Case No. 816 of 2022, F.I.R. dated 19.12.2022 registered for the offence punishable under Section 392 of IPC but the police, after investigation, submitted chargesheet against the petitioner under Sections 392,411,414 of IPC.

3. The FIR of the occurrence of loot is against unknown.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the



basis of the confessional statement of the co-accused person, namely, Jainandan Kumar @ Jai Kumar. Further submits that from nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of the co-accuse, no material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.02.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one but fairly submits that out of ten cases, the petitioner is on bail in six cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned A.C.J.M.-1st, Barh, Patna in connection with Barh P.S. Case No. 816 of 2022,, with the following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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