

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52982 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- BALIGAON District- Vaishali

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UMESH KUMAR @ UMESH SHARMA SON OF PRADIP SHARMA
RESIDENT OF VILLAGE- LAHLADPUR, BALIGAON, PS- PATEPUR,
DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Baligaon
P.S. Case No. 142 of 2021 registered for the offence under
Sections 392 of the Indian Penal Code.

The case relates to commission of loot of Rs 1,19,483/-,
which was stated to be collected from the customer, along with
Samsung Tab Biometric Machine from the informant while he
was going to deposit the amount in the bank.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case
during course of investigation on the basis of confessional



statement of the petitioner and the confessional statement of the co-accused persons, which were recorded in connection with Bangra P.S. Case No. 15 of 2022 from where the petitioner has been remanded in this case. Save and except the confessional statement of the petitioner and the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence nor T.I.P. has been conducted by the prosecution till date. Moreover, co-accused, Amarjeet Kumar @ Amarjeet Kumar having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 13441 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.09.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries eleven cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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.-XVI, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 142 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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