

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50314 of 2023**

Arising Out of PS. Case No.-563 Year-2021 Thana- KHAGARIA District- Khagaria

Sudhanshu Kumar S/o Shiv Shankar Mahto R/o-Raun, P.S.-Alauli, Distt.-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
05.06.2023, in connection with Khagaria (Mufassil) P.S. Case No.
563 of 2021, F.I.R. dated 20.07.2021 registered for the offences
punishable under Section 394 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The F.I.R. of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the petitioner is not
named in the F.I.R. and the name of the petitioner has been
transpired during investigation on the basis of confessional



statement of co-accused persons namely Golu and Mantun Kumar. He further submits that except the confessional statement of the co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution and the petitioner is in custody since 05.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 563 of 2021, 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 witness, 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 antecedents, 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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