

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60290 of 2022

Arising Out of PS. Case No.-235 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Sunil Ram, Son of Late Mukhlal Ram, R/O Harihar Urdana, Tola- Sangwa,
P.S.- Tandwa, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Mohania P.S. Case No. 235 of 2020 registered for the offences punishable under Sections 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was returning from Motihari from his Tavera car, in the meanwhile, six unknown persons came there and looted the valuables including Rs. 18,000/- cash and other articles and also



took away his Tavera car.

Learned senior counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation the name of the petitioner surfaced on the confessional statement of co-accused Jitendra Kumar, though the said Jitendra Kumar has already been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 38446 of 2020 vide order dated 22.02.2021, the copy of which has been submitted before this Court and the same has been taken on record. He next submitted that in fact only on account of the past criminal antecedent in four other criminal cases, the name of the petitioner has been implicated in this case and save and except the confessional statement, there is no material. He next submits that the petitioner is in custody since 03.10.2020, but till date he not been put on Test Identification Parade and other similarly situated accused persons have already been allowed the privilege of bail by different co-ordinate Benches of this Court.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender as he is found involve in four



other criminal cases.

At this juncture, learned senior counsel submits that the petitioner is on bail in all the four cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused persons, who has already been allowed the privilege of bail and neither any incriminating material has been recovered nor he has been put on Test Identification Parade coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 235 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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