

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69768 of 2023**

Arising Out of PS. Case No.-287 Year-2022 Thana- SALIMPUR District- Patna

Sumit Kumar @ Jelar Yadav S/O Late Hareram Yadav R/O Village-  
Chhaperatar, P.S- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Suraj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      07-11-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Salimpur P.S. Case No. 287 of 2022, registered on 09.12.2022 for the alleged offence under Section 392 of the Indian Penal Code.

3. As per prosecution case, the E-rickshaw of the informant was taken on hire by two persons, who, later on, assaulted the informant and fled away with his vehicle. The name of the petitioner transpired during investigation as one of the accused persons involved in the aforesaid occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Nothing incriminating has been recovered from his person or possession.



The name of the petitioner surfaced on the basis of confessional statement made by the petitioner in Bakhtiyarpur P.S. Case No. 648 of 2022 which has got no legal sanctity. No Test Identification Parade has been carried out to confirm the involvement of this petitioner in this case. Though the petitioner is having a number of criminal cases, most of the cases are against unknown and later on, the petitioner was implicated in all the cases. The petitioner is on bail in all such cases. The petitioner is in custody since 05.08.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is habitual offender and accused in altogether 11 such cases.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and no Test Identification Parade was conducted for his identification, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Barh,



Patna/concerned court in connection with Salimpur P.S. Case No. 287 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

DKS/-

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