

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73886 of 2022**

Arising Out of PS. Case No.-155 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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KAILU SINGH @ GULSHAN KUMAR Son of Lato Singh @ Geeta Prasad
Singh Resident of Village- Mahrath, P.S.- Kashichak (Shahpur O.P.), District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Shekhopur Sarai P.S. Case No. 155 of 2022 instituted
under Sections 420, 379, 411/34 of the I.P.C. and 04/22 MM
(DR) Act, 11/43 BM (CPIMTS) Rule 2019 and 56 BM
(CPIMTS) Rule 2021 lodged on 21.09.2022 by the informant
Sujaan Ali.

As per the F.I.R, the informant along with other
constables were on patrolling duty and as they reached near
village Chhema, saw a Hero Passion Pro motorcycle was
coming with two persons. On seeing the Police personnel, while
one person managed to escaped, the driver of the motorcycle
was caught by the Police party. As some persons assembled two
of them became witness in presence. The arrested person gave



his name as Sri Ram Kumar and gave the name of absconded person's as Sonu Kumar, resident of village Mahrath. Informant seized the motorcycle bearing Registration No. BR-27D-0999, (the Engine No. and Chesis number erased) as also mobile of Vivo Company.

Sri Ram Kumar told that this is stolen motorcycle which is used in passing of laden with illegal sands. On his Whats-apps Chat, the location of police vehicle was found. In this group, eight persons were involved as 'Bhagam-Bhag' group. Name of all the eight persons were Karu Singh, Kailu Singh, Kashaili Kumar, Lato Singh, Raja singh, Ranjeet Singh, Kumesh Singh and Sonu Kumar resident of village Mahrath. The accused further told that all eight persons are involved in theft of sands and Challan was obtained from Gaya site wrongfully and for sending the sands to Barh, Barbigha and Sheikhpura. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that only because his name has appeared in one of the Whats-App group he along with other members of said group have been rounded of. Further, the police took confessional statement of Sri Ram Kumar to be sacrosanct to implicate him in this case. Further contention is that nothing incriminating has



been recovered from his possession.

Learned APP opposes the prayer.

Considering the fact that his name has come in the confessional statement of Ram Kumar and on the basis of a whats-app chat group he has been implicated, is in custody since 02.10.2022 (as reflected from the order of the learned Sessions Judge), this Court is inclined to extend him privilege of bail with condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Shekhopur Sarai P.S. Case No. 155 of 2022 to the satisfaction of learned C.J.M., Sheikhpura , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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