

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3980 of 2025

Arising Out of PS. Case No.-18 Year-2012 Thana- HARNAUT District- Nalanda

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Somnath Prasad S/O Ramanand Resident of Village - South Gali Danka Imli,
P.S- Alamganj, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Harnaut P.S. Case No. 18 of 2012 dated 23.01.2012, instituted
for the offence punishable under Sections 395, 397 of the Indian
Penal Code.

3. The prosecution case, in short, is that on
22.01.2012, when the informant along with other guard was on
duty in the godown of E.M.C., Kolkata, some miscreants
jumped over the boundary wall of godown and four of them
entered into the store room. At gun point, the miscreants took
away the mobile phone of the guard and thereafter, they have



taken away 150 piece of copper plate and other articles by truck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that F.I.R. has been lodged against unknown person. Petitioner has been made accused in this case only on the basis of confessional statement of co-accused Bajrangi Tathara, who has been granted bail *vide* order dated 19.09.2013 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 11368 of 2013. It is further submitted that similarly situated co-accused namely, Awadesh Yadav, Manoj Kumar, Pramod Paswan has been granted bail by a common order dated 19.09.2013 passed in Criminal Miscellaneous No. 12039 of 2013, Criminal Miscellaneous No. 11368 of 2013, Criminal Miscellaneous No. 14927 of 2013 respectively. Learned counsel further submitted that only on the basis of statement of co-accused Bajrangi Tathara, the looted articles were recovered from the scrap shop of the petitioner for which a separate case was lodged bearing Alamganj P.S. Case No. 16 of 2012 in which petitioner is on bail. Lastly, it has been submitted that the petitioner is in custody since 21.11.2024, he has two criminal cases against him and charge-sheet has been submitted in the case.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Biharsharif in Harnaut P.S. Case No. 18 of 2012, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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