

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88628 of 2024

Arising Out of PS. Case No.-146 Year-2018 Thana- AMAS District- Gaya

Sonu Kumar @ Vikas S/o Dilip Singh, R/o Vill.- Tineri, P.S.- Guraru, Dist.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2025 Heard Mr. Binod Kumar Sinha, the learned counsel
for the petitioner and Ms. Suman Kumari Singh, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
09.07.2024, in connection with Amas P.S. Case No. 146 of
2018, FIR dated 21.06.2018, registered for the offence
punishable under Section 392 of the Indian Penal Code.

3. According to the prosecution case, while the
informant was returning from Varanasi on his Bolero Pick Up
van, four miscreants overtook his vehicle and stole Rs. 7,500/-
(Rupees seven thousand and five hundred only) cash and mobile
phone kept in the vehicle.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and he



is not named in the FIR and his name transpired during investigation on the basis of confessional statement of the co-accused person namely, Raja Gurasi and except the confessional statement of the co-accused person, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that the a co-accused person namely, Abhades Yadav @ Punjabi @ Awadhesh Kumar has been granted regular bail by a co-ordinate Bench of this Court vide order dated 09.09.2021 passed in Cr. Misc. No. 28260 of 2021 and another co-accused person namely, Sanjay Kumar Sinha @ Motka has also been granted regular bail by this Court *vide* order dated 22.09.2022 passed in Cr. Misc. No. 32878 of 2022. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 09.07.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner is not named in the FIR and



except the confessional statement of the co-accused person no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence and other co-accused persons have been granted bail by this Court as well as co-ordinate Bench of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya, in connection with **Amas P.S. Case No. 146 of 2018**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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