

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25671 of 2015

Arising Out of PS.Case No. -279 Year- 2014 Thana -ROSERA District- SAMASTIPUR

1. Nand Kishore Sahu @ Sah, son of Late Hemant Sah, Resident of village-
Sihma, P.S.- Khodawandpur (Chhaurahi O.P.), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.35214 of 2015

Arising Out of PS.Case No. -279 Year- 2014 Thana -ROSERA District- SAMASTIPUR

1. Santosh Kumar Singh Son of Late Mangal Singh, Resident of Village/
Mohalla - Ward No. 4, Prabhu Thakur, P.S. - Rosera, District - Samastipur
(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.25671 of 2015)

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. A.K.Choudhary(App)

(In Cr.Misc. No.35214 of 2015)

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Smt. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 12-10-2015 Both the Criminal Misc. have been arisen out of same
P.S. Case and, as such, have been heard together and are being
disposed by this common order.

Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Rosera P.S. Case No. 279 of 2014 registered for the offences punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly when the informant was going to deposit an amount of Rs. 14,19,000/- in Central Bank of India, Rosera of his establishment and as soon as he reached near the bank, one miscreant came and caught the bag containing the amount and further three miscreants surrounded him and started abusing and took out their arms resulting, the informant left the bag and thereafter the miscreants fled away after opening fir in the air. All the four miscreants were on two motorcycles i.e. Pulsor, bearing no. 9288 and Splendor, bearing no. 3713. During investigation, the petitioner, Nand Kishore Sahu @ Sah was arrested with a loaded country made pistol and he confessed his guilt regarding his involvement in this crime and further on that basis, part of the looted amount i.e. 95,000/- and a mobile phone have been recovered from his house and further on the basis of his confessional statement, petitioner Santosh Kumar Singh was apprehended who also confessed his guilt and accordingly, part of the looted money were recovered as per seizure list.

Submission is of false implication and that the



petitioners have not been put on T.I.P. nor the recovered articles have been put on T.I.P.. No one has identified the petitioners and they are suffering in custody since 27.09.2014 and 22.09.2014 respectively. Co-accused Ratan Prasad Kasyap and Bablu Singh @ Lochan have been allowed bail vide order dated 07.08.2015 passed in Criminal Misc. No. 14673 of 2015 and vide order dated 29.07.2015 passed in Criminal Misc. No. 26408 of 2015 by another Bench of this Court and, as such, the petitioners deserve sympathetic consideration. As the confessional statement has no value in the eye of law and the petitioner was forced to sign the seizure list which does not tally with the money which is alleged to have been looted. Chargesheet has already been submitted.

The learned A.P.P. opposes the prayer of bail but fairly submits that two co-accused have been allowed bail.

In the facts and circumstances stated above, considering that neither the petitioners nor the recovered articles have been put on T.I.P. and, as such, the above named petitioners, are directed to be released on bail **after framing of charge** on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate, Rosera arising out of Rosera P.S. Case No. 279 of 2014 subject to the conditions that

one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners will remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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