

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9352 of 2016

Arising Out of PS.Case No. -229 Year- 2012 Thana -MADANPURA District- AURANGABAD

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Girendra Singh @ Birendra Singh, S/o Late Kedar Singh, R/o Vill Niga
Bigha, P.S. Salaiya, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016

The learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the petition.

Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner is in judicial custody since 13.01.2016 for
offences alleged under Section 395 of the Indian Penal Code in
connection with Madanpur P.S.Case No.229 of 2012.

The prosecution case is that on 11.11.2012 in the
evening the informant was present in her house. The main
gate/door of the house was open. At about 6 P.M., eight to ten
unknown accused persons, all armed with deadly weapons all of
sudden entered into the house. The accused who were aged about
20 to 25 years and were hiding their face, asked the informant to
handover the licensed Gun. The informant when denied about the
possession of any Gun in the house the accused persons started



searching the articles kept in the *Diwan* and took ornaments kept in the *Diwan* and kept the same in their pocket. On protest made by the informant the accused persons put country made pistol at her neck, assaulted he and threatened to kill the informant and her children if the ornaments, cash and other valuable articles were not given to the accused. The accused persons took ornaments mentioned in the FIR from the possession of the informant and her mother-in-law. The accused persons committed loot in the house for about 20 to 25 minutes and thereafter fled away towards north. The informant claimed to identify the accused by their face. On *hulla* the persons of vicinity assembled there.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. No stolen articles have been found from his possession nor he has ever been put on test identification parade. The counsel for the petitioner further contends that it is only on the confessional statement of one Jairam Singh that the name of the petitioner has surfaced. It has also been submitted that said Jairam Singh has confessed with regard to two cases the present one, and another Madanpur P.S.Case No.230 of 2012 and has named the petitioner in both the cases. It has further been submitted that the petitioner has already been granted the privilege of bail on 03.10.2013 in connection with Madanpur P.S.Case No.230 of 2012 on similar offence which occurred on the

same day, in Cr.Misc.No.18217 of 2013.

However, the learned APP opposes the prayer for bail.

Taking into consideration the confessional statement of said co-accused Jairam Singh is itself shrouded in mystery and the petitioner having not been named in the FIR and for the same offence, he has already been granted privilege of bail earlier on 03.10.2013, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in connection with Madanpur P.S.Case No.229 of 2012 subject to the following conditions:-

- (i) The two bail bonds will be furnished, one by the Government servant and the other by a close family relative.
- (ii) The petitioner will remain present in course of trial on each and every day and his absence even for a single day would automatically entail the consequences of cancellation of his bail.
- (iii) The petitioner in case is now made accused in any other criminal case, that would itself lead to cancellation of his bail.

(Nilu Agrawal, J)

B.Kr./-

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