IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39485 of 2017

Arising Out of PS.Case No. -188 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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Rajan Kumar Sah Son of Bali Ram Sah, R/o Village- Nayagaon, P.S.- Hathawa, District- Gopalganj, Bihar,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Siwan (Muffasil) P.S. Case No. 188/2017 for offences punishable under Section 394 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while the Network Manager Manish Kumar Singh was taking cash of Rs. 17, 17,000/- to be deposited in the Bank, two unknown persons came and fired on him and snatched away the entire money.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has

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been falsely implicated in the aforesaid case, although he was one of the employees of the said Prakeek Agency, whose money was being deposited in the Bank. He submits that nothing has been recovered from his conscious possession and it is only on the basis of his own confessional statement and confessional statement of co-accused Amit Rai that he has been made accused. He further submits that he had confessed his guilt before the police that he was working as Cashier and Rs. 30,000/- was given to him of the looted money, out of which he spent Rs. 10,000/- and Rs. 20,000/- was kept in the counter of the Agency and that confessional statement before the police has no evidentiary value in the eye of law. It is submitted that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody since 06.05.2017.

However, learned APP for the State opposes the prayer for bail stating therein that co-accused Amit Rai in his confessional statement has confessed his complicity and petitioner also in his own confessional statement has confessed his guilt.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on

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bail on completion of nine months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan (Muffasil) P.S. Case No. 188/17, subject to the following conditions :

(1) Both bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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