

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47324 of 2017

Arising Out of PS.Case No. -184 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Durga Singh @ Durga Singh Patel @ Durga Patel S/o Ramji Singh Patel,
R/o Ramgarh, P.S.- Bhagwanpur, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sessions Trial
No. 293/2017/ 318/2017, arising out of Bhabua P.S. Case No.
184/2017 for offences punishable under Sections 392, 395, 412 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that three persons have looted Rs. 12,50,000/- from the informant
on pistol point, who was going along with the said money in a
bag.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated in the aforesaid case on the confessional statement of Sonu Pandey and Vishal Singh. He submits that nothing has been recovered from the possession of the petitioner, he is languishing in judicial custody since 07.05.2017, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is further submitted that some of the co-accused on similar allegations have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 29629 of 2017 on 24.07.2017 and Cr. Misc. No. 37367 of 2017 on 07.08.2017 and just because he has been found to be purchasing clothes in the shop in the CCTV footage he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases, one of similar nature, are pending against him.

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



Addl. Sessions Judge- IV, Kaimur at Bhabua, in connection with Sessions Trial No. 293/2017/ 318/2017, arising out of Bhabua P.S. Case No. 184/2017, subject to the condition that both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and 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)

Rajesh/-

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