

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38386 of 2018

Arising Out of PS. Case No.-412 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Shivendra Dubey, Son of Late Ram Tawakya Dubey, resident of Village
Kathdihri, P.S. Sasaram (Muffasil), District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Vikramdeo Singh & Sada Nand Roy, Advs.
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP 219

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody since 13.03.2018, seeks bail in connection with Sasaram (Town) P.S. Case No. 412 of 2018 for offences alleged under Sections 395 and 397 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the management trainee, the informant, of “V. Mart”, retail outlet of Sasaram, is that on 05.03.2018 at 11.30 in the night while the stocks were being unloaded, six persons came and looted away Rs. 13,18,537/- from the safe. They also took away the CCTV, Monitor, DVR, Flop Box, Wifi box, Biometric Machine, two mobile phone, ‘T’ shirts and jeans pants and also threatened the informant and other persons, present there.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report and he has been falsely implicated only on the basis of confessional statement made before the police, which has no evidentiary value in the eye of law. He submits that other co-accused have been granted privilege of bail in Cr. Misc. No. 30649 of 2018, dated 05.07.2018, by a coordinate Bench of this Court and the recovery of Rs.1,80,000/- from the petitioner is his own money and not stolen money. It is not being claimed by the informant. He, further, submits that no test identification parade has been done so far and as the first information report has been lodged against unknown, it is the obligation of the prosecution to put the petitioner on test identification parade for identification and involvement in the crime.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent as one more case is pending against him although of a different nature and that Rs.1,80,000/- was recovered from the possession of the petitioner.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the



petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sasaram (Town) P.S. Case No. 412 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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