

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65783 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- SHYAMPUR BHATHA District- Sheohar

Dilip Sah, S/o- Siyaram Sah, R/o-Vill-Bahuara, P.S.- Shyampur Bhataha,
Distt.-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 02-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 19.08.2018 in a case registered for the offences punishable under Sections 302 and 394 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Sanjiv Kumar, dated 15.08.2018, submitted to the Station House Officer, Shyampur Bhataha Police Station, is to the effect that on 14.08.2018, the brother of the informant, namely, Rajeev Kumar and co-accused, Vinay Pandit went to Main Branch, Sheohar of Punjab National Bank and withdrew some amount. Subsequently, they were returning home carrying Rs. 3,26,000/-, but on the way, four accused persons stopped the informant's brother, Rajeev Kumar and one of the co-accused fired on his



chest and robbed the money. The informant raised suspicion against co-accused Vinay Pandit to have supervised the commission of offence. The FIR was lodged against unknown persons.

It is submitted by learned counsel for the petitioner that during investigation, co-accused Vinay Pandit confessed his guilt and accept that due to business rivalry, he shot the brother of the informant and robbed the money. He also confessed that he kept some of the robbed money in the house of the petitioner who is his friend, which was ultimately recovered from his house. It is further submitted that even assuming the accusation to be true, at best an offence under Section 412 IPC is made out against the petitioner. A statement has been made in paragraph no.3 of the petition that petitioner has no criminal antecedent.

Learned APP, after going through the case diary, submits that name of the petitioner sprang up on the confession of co-accused Vinay Pandit, who confessed that some of the robbed money had been kept in the house of the petitioner.

Considering the fact that at best accusation under Section 412 IPC is made out against the petitioner and period of custody, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Sheohar in connection with Shyampur Bhataha P.S. Case No. 82 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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