

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62316 of 2019

Arising Out of PS. Case No.-214 Year-2018 Thana- KHODAWANDPUR District- Begusarai

HALCHAL SINGH @ BAMBAM SINGH S/o Gopal Singh R/o village-
Sujanpur, P.S.- Garhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-10-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since
21.05.2019 in a case registered for the offence punishable under
Section 392 of the Indian Penal Code.

The prosecution case is that the informant's cash
amount of Rs.1,70,000/- and one mobile phone along with two
other mobile phones of two other persons, who were
accompanying the informant, were robbed off by four unknown
persons, leading to registration of FIR against unknown.
Subsequently, the name of the petitioner sprang up during
investigation.

It is submitted by learned counsel for the petitioner
that the petitioner has maliciously been dragged in the present



case since the father of the petitioner had filed a complaint case, being Complaint Case No. 1753C of 2017 against the I.O. of the present case, S.I. Amit Singh and others with accusation for the offences punishable under Sections 147, 148, 149, 323, 307, 379/34 of the Indian Penal Code and 27 of the Arms Act, wherein the cognizance has been taken on 28.09.2018 and thereafter, he has been roped in the present case. It is further submitted that there is neither any recovery from the conscious physical possession of the petitioner nor the petitioner has been put on the Test Identification Parade and the investigation has already been concluded. Moreover, similarly situated accused, Jitendra Sahni @ Jitendra Kumar Sahni has been granted bail by a Co-ordinate Bench of this Court vide order dated 01.05.2019, passed in Criminal Miscellaneous No. 18077 of 2019. It is further submitted that apart from the present case, the petitioner is accused in two other cases, but he has been granted bail in both the cases, though no statement to that effect has been made in the petition.

Learned APP for the State submits that the name of the petitioner sprang up during investigation on the basis of confessional statement of co-accused.

Considering the fact that neither there is any recovery



from the conscious physical possession of the petitioner nor the petitioner has been put on Test Identification Parade and the similarly situated accused has been granted bail by a Co-ordinate Bench of this Court, 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 SDJM, Manjhaul, Begusarai, in connection with Khodawandpur (Chhaurahi) P.S. Case No.214 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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