

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79212 of 2019

Arising out of PS. Case No.-111 Year-2017 Thana- DHANARUA District- Patna

SHIV BALAK KEWAT @ SHIWALAK KEWAT Son of Chando Kewat
Resident of Village - Dr. English, P.S.- Giriyak, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 111 of 2017, dated 11.03.2017, registered at Police Station Dhanarua under Sections 395 and 397 of the Indian Penal Code.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Petitioner is alleged to have looted the belongings of the informant, which fact is seriously disputed by the petitioner. Prima facie also, it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.



In the First Information Report, there is no reference of the accused. The crime took place on 11.03.2017 and thus far during the course of investigation nothing incriminating has been found against the accused.

It is submitted that co-accused stands enlarged on bail by a coordinate Bench of this Court vide order dated 01.10.2019 passed in Cr. Misc. No. 53850 of 2019, titled as Raju Miyan @ Rajju Miyan Vs. The State of Bihar, order dated 28.05.2019 passed in Cr. Misc. No. 34708 of 2019, titled as Shiv Balak Kewat @ Shibalak Kewat Vs. The State of Bihar and order dated 22.11.2017 passed in Cr. Misc. No. 55906 of 2017, titled as Shiv Balak Kewat @ Shibalak Kewat Vs. The State of Bihar.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 21.11.2018; no custodial interrogation is required and the petitioner has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of



false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, considering the entire attending facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Masaurhi (Patna) in connection with Dhanarua P.S. Case No. 111 of 2017, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.



(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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