

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3649 of 2020**

Arising Out of PS. Case No.-457 Year-2019 Thana- GAYA KOTWALI District- Gaya

Saroj Kumar, Son of Madan Paswan Resident of Village-Kabar, P.S.-Anti,
District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 29-05-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The present application has been preferred for grant of bail in a case registered for the offence punishable under Section 392 of the IPC.

The prosecution case got initiated on the fardbeyan of the petitioner Saroj Kumar, recorded by S.I., Sanjay Kumar, S.H.O. Gaya Kotwali Police Station on 13.09.2019, is to the effect that the informant/petitioner was an officer in a private bank, namely Fino Payment Bank. On the same day at about 12.40 P.M., the petitioner was going to deposit Rs. 13,65,500/- in the I.C.I.C.I. Bank, Tekari Road, Gaya, but on the way, he



was forced by some unknown persons to sit in a Safari car, thereafter, some liquid was sprinkled on his face. Consequently, he got unconscious and thereafter the money was robbed. The accused persons also put chilli powder on his eyes. Subsequently, during investigation, it transpired that no robbery was committed but the petitioner in order to grab the money created fake scene of robbery by making confession to that effect handing over the alleged money to one Kundana Paswan leading to recovery of money from Kundan Paswan.

Learned counsel for the petitioner submits that the FIR was lodged by the petitioner and the confession was forcibly obtained by the police. The entire money has been recovered from co-accused Kundan Paswan. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that the petitioner is languishing in custody since 04.10.2019 and the investigation has already been concluded.

Learned counsel for the State submits that it was the petitioner who got the money of the private bank transferred to co-accused Kundan Paswan and created a fake scene of robbery by lodging a false case.

Considering the fact that entire money has been



recovered from co-accused Kundan Paswan, investigation has already been concluded and the petitioner having no criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned C.J.M. Gaya in connection with Kotwali P.S. Case No. 457 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction learned C.J.M. Gaya in connection with Kotwali P.S. Case No. 457 of 2019.

The learned Court below will be at liberty to further



extend the period of provisional bail if the lockdown is not over
in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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