

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4563 of 2020

Arising Out of PS. Case No.-118 Year-2019 Thana- RUPASPUR District- Patna

Arman Khan @ Golu Singh Son of Rashid Khan @ Sajid Khan Resident of
Faiz Palace Apartment, Machhali Gali, Raja Bazar, P.S.- Shastri Nagar,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.II

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 05-05-2020 Heard Mr. Manish Kumar-2, the learned counsel for the
petitioner, and Mr. Chandra Bhushan Prasad, the learned APP.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Rupaspur P.S. case No. 118 of
2019 registered under Section 392, 397 of the Indian Penal Code.

The informant, in gist, alleged that while he was returning
from the Bank and reached near R.P.S. College road, near Indian
Overseas Bank, three miscreants came, surrounded him, snatched his
mobile bearing SIM No. 7004613127, ATM card, Adhar Card and
wallet containing Rs. 3000/- after assaulting him by knife.

The learned counsel for the petitioner submits that
petitioner is not named in the FIR. During the course of investigation
name of the petitioner surfaced in the case in the confessional
statement of co-accused Arman Khan @ Tuian in paragraph 31 of the
case diary. The petitioner was arrested on the basis of said disclosure
made by Arman Khan @ Tuian before the police but nothing has
been recovered from the possession of the petitioner. The petitioner
has not been put on T.I. parade and he is in custody since 12.06.2019.
It is further submitted that petitioner has also filed I.A. No. 01/ 2020



for grant of provisional bail for getting his father-in-law treated, who is an ailing person aged about 70 years, by a doctor. The father-in-law of the petitioner has got no son and petitioner is only male person in the family of his father-in-law to look after him. It is submitted that there is no evidence save and except the fact that petitioner has got criminal antecedent and he has remained in jail for about 10 months in a case in which save and except confessional statement of co-accused, that too before the police, which has got no evidentiary value, there is no material against him.

The learned A.P.P., however, vehemently opposed the prayer for bail and submitted that petitioner is accused in five other criminal cases registered for same and similar offence but at the same time did not dispute the facts that no incriminating article has been recovered from the possession of the petitioner and save and except the confessional statement of the petitioner and the co-accused there is no tangible material to show the involvement of the petitioner.

It appears from perusal of the records that the petitioner is not named in the FIR. Pramod Kumar, the victim/ informant, lodged the case against three unknown persons alleging that while he was returning to his house and reached near the RPS college three persons assaulted him and robbed his mobile, ATM card, Adhar Card and wallet containing Rs. 3000/-. When the informant protested, the accused persons inflicted injury on him by knife and fled away towards RPS college. On alarm many persons came and got him admitted in a nearby hospital. The informant did not name any person. Even the witnesses did not disclose the name of the accused. During the course of investigation the I.O. apprehended one of the accused Arman Khan @ Tuian, on the basis of information by the police informer, and arrested the petitioner also but the I.O. did not collect any further evidence or recovered any incriminating article showing the involvement of the petitioner in the alleged robbery. The I.O. did not put any of the accused on T.I. parade to get the accused



identified in a case registered against unknown. This fact itself reflects sorry state of investigation and lack of skill on the part of the I.O. and only on confessional statement the I.O., with the approval of the supervisory authority, submitted charge sheet. The petitioner is in custody since 12.06.2019 and Save and except criminal antecedent of the petitioner there appears no tangible evidence against the petitioner.

Considering the facts aforesaid, I find that the petitioner deserves bail. Accordingly, the prayer for bail is allowed and the petitioner, above named is directed to be released on bail on is furnishing bail bond of Rs. Ten thousand (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Danapur, Patna in connection with Rupaspur P.S. case No. 118 of 2019, subject to condition that one of the bailors shall be wife of the petitioner.

The I.A. filed for grant of provisional bail stands disposed of as the same has become infructuous.

(Prabhat Kumar Jha, J)

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