

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8747 of 2020

Arising Out of PS. Case No.-162 Year-2018 Thana- RUPASPUR District- Patna

Shailendra Singh Son of Ram Lalit Singh Resident of Village-Bahuara, Post
Office-Sonagopalpur, Police Station-Gaurichak, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
29.07.2019 in a case registered for the offences punishable
under Sections 395, 397, 412 of the Indian Penal Code, Section
22 of N.D.P.S. Act and Sections 25(1-B)a/26/35 of the Arms
Act, hence, the prayer for bail has been made through the
present application.

The prosecution case as per the written report of
Deepak Kumar, Sub-Inspector -cum- Station House Officer,
Rupaspur Police Station submitted to the District & Sessions
Jude, Patna, is to the effect that on 23.04.2018 during the



evening patrolling when the informant was in village – Mushahari, he received a call on his mobile and a lady conveyed that some miscreants have entered into Niti Nursing Home and they are committing dacoity, then the informant after informing the superior officials and Danapur as well as Hawaii Adda and Khagaul Police Station reached on the spot and on the gate of the hospital one person whose hands were tied is present, who disclosed that on the upper portion of the house some dacoits are committing dacoity in the house of Dr. Hemant Kumar Jha. When the informant reached on the upper portion of the house, found that the mouth of Dr. Hemant Kumar Jha was tied with some clothes and one accused was pointing Gupti, a sharp cutting weapon, on his neck, two others found to have overpowered the wife of Dr. Hemant on the point of knife then the informant caught hold of the accused persons, who disclosed their name as Prince Kumar, Indrajeet Singh and Sandeep @ Sunny. On search being made, from the apprehended accused arms, knife, smack like material, jewellery and other articles were recovered. The apprehended accused persons suggested that along with them Chhotu Kumar, Prince Kumar, Pahalwan, Golu and Shailendra Kumar, the petitioner came but escaped from the scene after taking some cash and jewellery.



It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the confession of co-accused Indrajeet Singh, who is cousin son-in-law of the petitioner and there is no recovery from the petitioner nor the petitioner has been put on T.I. Parade and the investigation has already been concluded. Moreover, the accused persons, who were apprehended from the spot and from whom recovery has been made, like, Prince Kumar and Indrajeet Singh and some of the accused persons whose name sprang up on the confession, like, Golu and Rajesh Kumar have been granted bail vide Cr. Misc. Nos. 21949 of 2019, 43886 of 2009, 46012 of 2018 and 2043 of 2019, respectively by different Co-ordinate benches of this Court. Co-accused Indrajeet Singh, who named the petitioner, happens to be son-in-law of his brother, Kashinath Singh, after death of Kashinath Singh, the petitioner is taking care of niece, who is the wife of the co-accused Indrajeet Singh, since Indrajeet Singh is involved in some cases and in spite of the petitioner's best effort, he is not mending his ways. The wife of the petitioner is suffering from cancer and a prescription to that effect has been brought on record as Annexure-2. Though the petitioner is accused in four other cases but he is on bail in those cases and in all the cases his name sprang up on the



statement of his relative co-accused Indrajeet Singh.

Learned APP for the State submits that the name of the petitioner sprang up in the statement of the apprehended accused from the spot and petitioner has criminal antecedent.

Considering the fact that the co-accused persons, apprehended from the spot and from whom recovery has been made, have been granted bail, neither there is any recovery from the petitioner nor the petitioner has been put on T.I. Parade and investigation has already been concluded, 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 Additional Sessions Judge-IX, Patna in connection with Special Case No. 40 of 2018/167 of 2018, arising out of Rupaspur P.S. Case No. 162 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 of the learned Additional Sessions Judge-IX, Patna in connection with Special Case No. 40 of 2018/167 of 2018, arising out of Rupaspur P.S. Case No. 162 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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