

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18846 of 2020**

Arising Out of PS. Case No.-348 Year-2019 Thana- BHAGWAN BAZAR District- Saran

AASHISH BYAHUT S/o Shushil Byahut R/o village- Shiv Bazar, P.S.-
Bhagwan Bazar, Distt.- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bhagwan Bazar P.S. Case No. 348 of 2019 registered for the offence punishable under Section 394 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected vide order dated 11.12.2019 passed in Cr. Misc. No. 76547 of 2019 with an observation that he will be at liberty to renew his prayer for bail after a reasonable time.

Learned counsel for the petitioner submits that even after order dated 11.12.2019, no test identification parade was conducted and the co-accused from whose possession it is alleged that Rs. 1 lakh had been recovered has been granted



privilege of regular bail by a learned co-ordinate Bench of this Court vide order dated 06.02.2020 passed in Cr. Misc. No. 8419 of 2020. The petitioner has remained in custody in connection with this case for more than ten months.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but it is not denied that earlier the petitioner was granted liberty to renew his prayer for bail after a reasonable time and during this period no identification has been done despite direction to the Superintendent of Police, Chapra to look into the matter and take appropriate measures forthwith.

In the aforesaid facts and circumstances wherein the petitioner has remained in custody for ten months in connection with this this case and despite direction of this Court no step was taken to conduct TIP, there is no identification of the petitioner, one of the submissions of learned counsel for the petitioner is that nothing incriminating has been recovered from possession of the petitioner and the co-accused from whose possession Rs. 1 lakh was recovered has been granted bail by a learned co-ordinate Bench of this Court, let the petitioner above named be released on bail in connection with Bhagwan Bazar P.S. Case No. 348 of 2019 on furnishing of bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned A.C.J.M. 2, Saran at Chapra, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

Before this Court would part with this order it is required to take note of the sorry state of affairs prevailing in the



matter of investigation of this case where despite direction to the Superintendent of Police, Chapra, no TIP was conducted and once again the Court finds it that in absence of TIP the petitioner is getting benefit of the same.

Let a copy of this order be sent to the Director General of Police, Bihar through Fax to look into matter and see what he can do for reforms in investigation.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

