

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25135 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- NAVINAGAR District- Aurangabad

RAJ KUMAR SINGH Son of Late Krishna Singh Resident of Village -
Ramabandhi, P.S.- Hussainabad, District - Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28501 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- NAVINAGAR District- Aurangabad

1. UPENDRA SINGH Son of Baban Singh Resident of Village - Ramabandhi,
P.S.- Hussainabad, District - Palamu (Jharkhand).
2. Sharwan Kumar Son of Sheo Sagar Chouhan Resident of Village - Eraji
Kusumhara, P.S.- Hussainabad, District - Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25135 of 2020)

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

(In CRIMINAL MISCELLANEOUS No. 28501 of 2020)

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 03-12-2020 Heard Mr. Shailesh Kumar Singh, the learned counsel

for the petitioner, Raj Kumar Singh, of Cr. Misc. No.

25135/2020 and petitioners, Upendra Singh and Sharwan

Kumar of Cr. Misc. No. 28501 of 2020.

The matter has been taken up through video



conferencing.

The petitioners seek bail in Navinagar P.S. case No. 36/2020 registered u/s 392, 395, 412 of the IPC.

The informant disclosed that on 23.02.2020 while he was returning from Japla to his village, Navinagar, along with his co-villager, Rajesh Kumar, four unknown persons overtook the informant near Lakhanpur gate and snatched the motorcycle and mobile of the informant and his friend.

The learned counsel for the petitioners submits that petitioners are not named in the FIR. Raj Kumar Singh was apprehended on the basis of the fact that his name surfaced in the case in the confessional statement of co-accused Sharwan Kumar and Nikhil Kumar @ Prince. It is submitted that nothing has been recovered from the possession of Raj Kumar Singh. It is further submitted that due to inadvertence the brother of the petitioner Raj Kumar Singh could not mention in paragraph 3 of the bail petition about criminal antecedent of the petitioner. A supplementary affidavit has been filed stating that petitioner has got one criminal case pending against him. The petitioner, Raj Kumar Singh, is in custody since 15.03.2020 but he has not been put in T.I. parade. Save and except confessional statement of co-accused there is no other material to show the involvement



of the petitioner in the alleged crime of road robbery/ dacoity. The learned counsel for the petitioners further submits that Upendra Singh was apprehended and from his house motor cycle said to have been used in the crime was recovered. Mobile of the informant is also said to have been recovered from the possession of Upendra Singh and mobile of friend of informant is said to have been recovered from the possession of Sharwan Kumar but they have not been put in T.I. parade. The petitioners Upendra Singh and Sharwan Kumar are in custody since 15.03.2020.

Taking into consideration the facts that no looted article is recovered from the possession of petitioner, Raj Kumar Singh, and he is in custody since 15.03.2020 but he has not been put in T.I. parade, the petitioner, Raj Kumar Singh, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Aurangabad in connection with Navinagar P.S. case No. 36/2020.

So far case of petitioners, Upendra Singh and Sharwan Kumar of Cr. Misc. No. 28501 of 2020 is concerned, it appears that Upendra Singh and Sharwan Kumar confessed



before the police and from the house of Upendra Singh motor cycle used in the crime and lotted mobile of informant were recovered and from the possession of Sharwan Kumar lotted mobile of friend of informant was recovered, I am not inclined to enlarge the petitioners, Upendra Singh and Sharwan Kumar of Cr. Misc. No. 28501 of 2020 on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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