

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28780 of 2020

Arising Out of PS. Case No.-271 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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SHAILENDRA SINGH S/o Ram Lalin Singh @ Ram Lalit Singh Resident of
Village-Bahnara, P.S.-Gaurichak, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Md. Khurshid Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Md. Khurshid Anwar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Gopalganj P.S. Case No. 271 of 2018 for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

The case of the prosecution in brief is that while the informant was sleeping with his family members in his house, seven unidentified criminals had entered into the house



on the alleged date and time of occurrence and had taken away licensed revolver and cartridges of the informant as also had committed loot of valuable articles, cash, ornaments etc., whereafter they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 05.09.2020. It has been further submitted by the learned counsel for the petitioner that the petitioner is neither named in the FIR nor any looted articles have been recovered from the possession of the petitioner nor any T.I. Parade has been held so as to connect the petitioner with the alleged crime. It is further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court, one of such order being the one passed by a co-ordinate Bench of this Court on 04.10.2018 in Cr. Misc. No. 66824 of 2018.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons who have



already been granted bail by co-ordinate Benches of this Court as also considering the fact that neither any looted article has been recovered from the possession of the petitioner nor test identification parade has been held so as to connect the petitioner with the alleged crime, I deem it fit and proper to direct for release of the petitioner on regular bail, however, subject to certain conditions, considering the bad criminal antecedent of the petitioner herein.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Gopalganj P.S. Case No. 271 of 2018.

It is further directed that the petitioner shall mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of regular bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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