

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79487 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- MAIRWAN District- Siwan

PIYUSH KUMAR S/O Late Kailash Singh Resident of Village - Narendra
Dumar, P.S.- Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 08-07-2020 Heard learned counsel for the petitioner as well as
learned APP through video conferencing.

On confidential information with regard to presence of persons of dubious character near SBI ATM Kiosk, the prosecution party reached there. Thereafter, they saw one person standing at the gate of ATM having ear-phone affixed while another person who was standing outside was carrying a bag. The third one was also standing there. Seeing the police, they all unsuccessfully tried to flee but were apprehended who disclosed their identity as Manoj Ram, Rakesh Kumar and Mithilesh Singh. They were searched in presence of two seizure list witnesses, Sandip Kumar Ram and Chhote Lal Kanu and items in bulk as per seizure list were recovered and seized from their possession. From the FIR, it is evident that neither there happens to be presence of any other person at the spot nor



anybody else than these three apprehended accused ran therefrom.

It is further evident from para-11 of the case diary that on query, they all have denied their culpability. It is further evident from para-15 that inculpatory extra-judicial confessional statement of Manoj Ram dated 10.02.2018 has been incorporated whereunder he had not named the petitioner along with others to be involved any way, on the alleged date of occurrence rather, he had stated that when he joined company of Mithilesh Singh, he had seen the co-villager of Mithilesh Singh, namely, Bullet @ Rahul Singh, Rakesh Kumar, Nazeer Rahman, Munna Kumar, Anmol, Piyush Kumar (petitioner), Rahul Singh, Pinku, Sanjiv Singh, Ramu, Ujjawal and Upendra leading their unbridled life by making uncontrolled expenses after withdrawing money from others account through which, they used to make online purchase. Certainly, this disclosure suffers from vagueness because of the fact that it speaks in general way which could not be found sufficient to encircle any of the person so named hereinabove.

Considering the principle as laid down by the Hon'ble Apex Court in the case of *Sushila Aggarwal v. State (NCT of Delhi)* reported in *2020(1) PLJR 524 (SC)*, more particularly



para-85, the guidelines enumerated therein, let petitioner, ***Piyush Kumar***, in the event of arrest or surrender within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of ***ACJM-VII, Siwan*** in connection with ***Mairwa PS Case No. 41/2018***, subject to the conditions as laid down under Section 438(2) CrPC.

(Aditya Kumar Trivedi, J)

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