

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16772 of 2021

Arising Out of PS. Case No.-878 Year-2019 Thana- BANKA District- Banka

Tufani Das Son Of Late Hari Das Resident Of Village - Noniya Basar, P.S. -
Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Ms. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Banka P.S. Case
No. 878 of 2019 registered for the offence punishable under Section
392 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with
two other co-accused persons on a gun point looted Rs. 86,000/-,
vehcile papers, mobile phone and other documents from the
informant while he was returning on his motorcycle. It is alleged that
they fled away by locking the informant in a nearby room.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is not named in the F.I.R.. He submits that no incriminating article has been recovered from conscious physical possession of the petitioner. He submits that petitioner has not been put on T.I. parade till date. He further submits that co-accused has already been granted bail by court below itself. There is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused *Deepan Pujhar*, which has no evidentiary value in the eye of law. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has three criminal antecedents as has been mentioned in para 3 and para 8 of this bail petition and has been languishing in custody since 22.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka P.S. Case No. 878 of 2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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