

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17966 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- DIGHALBANK District- Kishanganj

ANKIT RAY Son of Manoj Ray Resident of Punaura Purbi Ward No. 6, P.S.-
Punaura, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyadeo Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Satyadeo Singh Yadav, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dighalbank P.S. Case No. 57 of 2020 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code. He is in custody since 15.06.2020. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story the seven unknown persons entered into the house of the informant, they had covered their face by various means, they broke open the door, one of them was



holding a *katta* and the another one was holding a knife, they started beating the informant and his wife and later on they tied their hands and legs and asked about the rupees and ornaments. According to the informant, the miscreants took away Rs. 58,000/- in cash and some gold ornaments.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. His name has allegedly transpired in the confessional statement of co-accused Tarik Alam @ Guddu.

Learned counsel further submits that till date the petitioner has not been put on test identification parade and no recovery of any alleged looted articles have been made from the house of this petitioner. It is submitted that the police has shown that a cell phone, cash Rs. 3,400/- and Scorpio bearing registration no. JH05-H7684 have been recovered from the house of the petitioner but neither the said cell phone has been identified by the informant nor there was any allegation that the Scorpio seized from the house of the petitioner was used in the commission of alleged offence.

Mr. Satyadeo Singh Yadav, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but on query made by this Court he has confirmed that in the



case diary there is no material showing that the Scorpio seized from the house of the petitioner was used in commission of alleged offence and further there is no recovery of any looted jewelry from the house of the petitioner.

Considering the facts and circumstances of the case, in the nature of the materials placed before this Court in which there is no recovery of any looted article from the house of the petitioner and the co-accused namely Shambhu Kumar and Shashi Kumar have been earlier granted bail by learned court below, the petitioner has already remained in jail for over one year and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Kishanganj in connection with Dighalbank P.S. Case No. 57 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(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'.

