

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23712 of 2021

Arising Out of PS. Case No.-342 Year-2020 Thana- BIBHUTIPUR District- Samastipur

SHUBHAM KUMAR Son of Siyaram Singh Resident of Village - Dularpur,
P.S. - Teghara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. Mr. Yogesh Kumar, Adv. Mr. Anju Narain, Adv. Mr. Anant Kumar Singh, Adv Mr. Umesh Kumar Roy, Adv Mr. Pratik Kumar, Adv. For the Opposite Party/s :
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Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 20-12-2021 The applicant/accused in Crime No.342 of 2020 registered with Bibhutipur Police Station for the offences punishable under Section 392 of the Indian Penal Code at the instance of first informant, Pappu Sah, by this application is seeking release on bail during pendency of the trial.

Heard both sides.

The learned counsel appearing for the applicant submits that the applicant is behind bar from November, 2020. Investigation is over. It is further argued that name of the applicant was surfaced because of confession of the co-accused and it is alleged that some of the looted ornaments are recovered from his house. However, neither the property nor the accused

was subjected to the test identification parade.

The learned Prosecutor opposed the application by contending that the crime in question is serious and, therefore, the application is required to be rejected.

I have considered the submissions so advanced and also perused the materials placed before me. The applicant has placed on record photocopies of receipts of purchase of jewelries items by his father on several occasion. The recovered articles are not shown to the victim of the crime in question for the purpose of identification nor the applicant was subjected to test identification parade. It is reported that the applicant is not having any criminal antecedent.

In this view of the matter after completion of investigation and filing of the charge sheet, further pre-trial detention of the applicant is not necessary, and, hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No.342 of 2020 registered with Bibhutipur Police Station for the offence punishable under Section 392 be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial Court

with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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