

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39277 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- BACHHWARA District- Begusarai

Rupak Singh, Son of Chandradeo Singh @ Jiwach Rai, R/o Village-
Rupaswaj Ward no. 1, P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bachhwara P.S. Case No.33 of 2020, G.R. No.620/2020 for the
offence punishable under Section 392 of the Indian Penal Code.

The allegation is that four persons on two
motorcycles have intercepted the informant and looted him of
his belonging and cash at pistol point.

Petitioner's counsel submits that even as per the
F.I.R., he has not been named. His implication is only on the
basis of the confessional statement of co-accused, having no
evidentiary value. It is further submitted that in respect of the
alleged recoveries made from the petitioner, no seizure list has
been prepared in this case. The recoveries have led to lodging of



a separate case i.e., Bachhwara P.S. Case No.36 of 2020, in which he has already been allowed bail in Cr.Misc. No.29217 of 2020. Petitioner is in custody in this case since 19.06.2020.

Learned APP for the State, however, submits that since recoveries have not been made from the petitioner, his implication is more than *prima facie* evidence.

Considering the aforesaid submissions as well as the submission of the petitioner's counsel that prior to this case, there is no criminal antecedents, this Court for the present is inclined to allow the prayer.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Bachhwara P.S. Case No.33 of 2020, G.R. No.620/ 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to



do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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