

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6128 of 2021

Arising Out of PS. Case No.-523 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Arjun Kumar @ Baheliya S/O Ram Babu Ray R/O Village- Madhopur
Hazari, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-09-2021 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 Sahebganj P.S.
Case No. 523 of 2019 registered for the offence punishable under
Section 392 of the Indian Penal Code.

Allegation against the petitioner is that petitioner in
association with two other co-accused persons looted bike and
mobile phone of the informant *Md. Afsaullah* on the point of gun.

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. Petitioner is not named



in the F.I.R. He submits that petitioner has not been put on T.I. parade till date. He submits that only on the basis of confessional statement of the co-accused petitioner has been made accused in the present case. There is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused 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 five criminal antecedents and he is languishing in custody since 01.12.2019.

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 Sahebganj P.S. Case No. 523 of 2020 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.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

GAURAV S./-

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