

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39692 of 2020

Arising Out of PS. Case No.-37 Year-2018 Thana- PALASI District- Araria

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SANTOSH CHAURASIYA @ SANTOSH KUMAR CHAURASIYA Son of
Ram Prakash Chaurasiya @ Ram Prakash Sah Resident of Village - Chanan,
P.S.- Jhirubari, District – Sahebganj. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 395 of the Indian Penal Code.

The prosecution case, in brief, is that 10-12
unknown miscreants who were 25-35 years of age group, by
breaking open the lock of the door are said to have entered into
the house of the informant and at the point of pistol they looted
away gold & silver ornaments, cash of rupees four lakhs and
other articles from his house and shop. They also damaged the
CCTV camera and uprooted the hard disc.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. He is
neither named in the F.I.R. nor was apprehended on the spot.



No incriminating article has been recovered from his conscious physical possession. No T.I. parade has been conducted. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Tahzeeb @ Md. Tahzeeb, which has no evidentiary value in the eye of law. The aforesaid co-accused, namely, Tahzeeb @ Md. Tahzeeb has been enlarged on bail by a co-ordinate bench of this court vide order dated 29.06.2018 passed in Cr. Misc. No. 38429 of 2018. The petitioner has been remanded in this case on 24.01.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged, **after framing of charge**, and 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 Additional Chief Judicial Magistrate-I, Araria in connection with Palasi P.S. Case No.37 of 2018.

(Anjani Kumar Sharan, J)

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