

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5527 of 2021**

Arising Out of PS. Case No.-508 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

SUSHIL KUMAR @ DABALU Son of Late Bhagwan Chaudhary Resident
of Village - Mohania Ward No.- 6, P.S.- Mohania, Distt.- Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2021 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bhabua P.S. Case No. 508 of 2020 registered for the offences punishable under Sections 395, 412 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that the present FIR has been lodged for snatching of Rs. 10 lakhs on the point of pistol by Amit Singh and Guddu Singh. It is further alleged that when the informant tried to recover his money on his own level by panchayati the accused persons indulged in abusing the informant and refused to return the money.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the FIR, his name has transpired in the confessional statement of co-accused Chotu Chaudhary who has already been granted bail from a learned Co-ordinate Bench of this Court. It is further submitted that the petitioner has not been put on test identification parade and there is no recovery of any cash or looted articles from the possession of the petitioner. The petitioner is in custody since 15.08.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Chotu Chaudhary, the petitioner has not been put on Test Identification Parade and there is no recovery of any cash or looted article from the house of the petitioner, the co-accused Chotu Chaudhary, Sanjiv Kumar Singh and Vinod Kumar have been granted bail by learned Co-ordinate Benches of this Court and in course of investigation it has transpired that the informant



has identified two persons namely Amit Singh and Guddu Singh who were allegedly involved in the offence alleged, so far as the three cases against the petitioner are concerned, it is stated that the petitioner is on bail in all those three cases, in the present case the petitioner is in custody since 15.08.2020, investigation against him is complete and at this stage there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M. Kaimur, Bhabua, in connection with Bhabua P.S. Case No. 508 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

And further condition that the petitioner shall cooperate in course of trial. He will appear on each and every date fixed in the matter and two consecutive defaults in putting appearance in the trial court shall invite steps for cancellation of bail of the petitioner by the learned court below itself.

The 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'.

