

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4085 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- SARAI RANJAN District- Samastipur

SHUBHAM KUMAR CHAUDHARY @ SHUBHAM CHAUDHARY @
SHUBHAM KUMAR Son of Late Braj Bhushan Chaudhary Resident of
Village- Chandchor Deeh, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8255 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- SARAI RANJAN District- Samastipur

RAHUL RAI @ RAHUL KUMAR SON OF LATE MAHESH RAI
RESIDENT OF VILLAGE- KEOTA WARD NO 02 ,POLICE STATION-
DALSINGHSARAI, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4085 of 2022)

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

(In CRIMINAL MISCELLANEOUS No. 8255 of 2022)

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-08-2022

IN CR. MISC. NO.4085 OF 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.



The petitioner seeks bail in connection with Sarairanjan P.S. Case No. 88 of 2021 registered for the offence under Section 396 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 24.08.2021.

The allegation against the petitioner is to commit dacoity, while committing so, murdered the brother of the informant and taken away cash of Rs. 3,60,000/-.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, Rahul Rai, wherein, in furtherance thereof no incriminating material surfaced or anything recovered, which may connect this petitioner with the present set of occurrence of dacoity and murder. It is also submitted that petitioner was never put on TIP. It is also submitted that involvement of the petitioner in the present case made for the only reason that the petitioner is named in 16 more criminal cases, where in almost in all cases, the name of the petitioner surfaced on the basis of confessional statement of co-accused, as of present case, having no evidentiary value in law. It has further been submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-



ordinate Bench of this Court through Cr. Misc. No. 12766 of 2022 dated 23.03.2022 and Cr. Misc. No. 1955 of 2022 dated 24.05.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that save and except confessional statement, nothing incriminating material surfaced during course of the investigation against this petitioner.

Considering the facts and circumstances as mentioned above, as no incriminating material surfaced/recovered during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sarairanjan P.S. Case No. 88 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd, Samastipur/concerned Court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of



trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(iv) That if the petitioner tempers with the evidence or witnesses in any manner, in that event, the trial court shall be at liberty to cancel the bail bond of the petitioner.”

IN CR. MISC. NO.8255 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sarairanjan P.S. Case No. 88 of 2021 registered for the offence under Section 396 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 16.06.2021.

The allegation against the petitioner is to commit dacoity, while committing so, murdered the brother of the



informant and taken away cash of Rs. 3,60,000/-.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, Rahul Rai, wherein, in furtherance thereof no incriminating material surfaced or anything recovered, which may connect this petitioner with the present set of occurrence of dacoity and murder. It is also submitted that petitioner was never put on TIP. It is also submitted that involvement of the petitioner in the present case made for the only reason that the petitioner is named in 16 more criminal cases, where in almost in all cases, the name of the petitioner surfaced on the basis of confessional statement of co-accused, as of present case, having no evidentiary value in law. It has further been submitted that similarly situated co-accused persons have already been granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 12766 of 2022 dated 23.03.2022 and Cr. Misc. No. 1955 of 2022 dated 24.05.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly



conceded the fact that save and except confessional statement, nothing incriminating material surfaced during course of the investigation against this petitioner.

Considering the facts and circumstances as mentioned above, as no incriminating material surfaced/recovered during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sarairanjan P.S. Case No. 88 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd, Samastipur/concerned Court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be



deponent of the present bail petition.

(iv) That if the petitioner tempers with the evidence or witnesses in any manner, in that event, the trial court shall be at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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