

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8929 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- MAIRWAN District- Siwan

ROHIT KUMAR SAH Son of Rama Shankar Sah Resident of Village - Balia,
P.S.- Andar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate.

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 05-04-2022 The applicant/accused in Crime No.423 of 2021 registered with Police Station-Mairwa for the offence punishable under Section 395 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge-sheet.

Heard both sides.

The F.I.R. of the subject crime is lodged by Vinay Kumar Barnwal alias Kundan. He is owner of the confectionery shop situated near the main branch of the S.B.I. He alleged that on 20.12.2021 at about 04.45 P.M. to 05.00 P.M., six dacoits came to his shop on motorcycles. Four of them entered in his shop while armed with firearms. They robbed him of Rs.15 to 20 thousand by threatening him with the firearms. After committing this dacoity, they flee from the spot.



The investigation of the subject crime is over. It is not pointed out as to whether any Test Identification Parade was conducted by the prosecution and whether the first informant had identified the dacoits. So far as the recovery of Rs.1120/- is concerned, it is not stated as to how that amount can be correlated with the looted amount from the shop of the first informant. According to the prosecution, the complicity of the applicant in the subject crime is reflected from the statement of co-accused Rakesh Kumar Parvat. How that statement can be admitted as evidence is required to be considered at the stage of the trial because it is statement made to the police. True it is that there is one criminal antecedent against the applicant but considering the evidence available against the applicant, after completion of investigation, I see no reason to refuse bail to the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.423 of 2021 registered with Police Station-Mairwa for the offence punishable under Section 395 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:



- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

U		T	
---	--	---	--

