

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19290 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- DESARI District- Vaishali

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SHUBHAM KUMAR, Son of Yogendra Ray Resident of village - Lakhanpur
Tal, Post Office - Desari, P.S.- Desari, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Desari
P.S. Case No. 30 of 2022, registered for the offence
punishable under Section 395 of the I.P.C.

As per allegation, the petitioner and his associates
committed *dacoity* in the informant's house and looted cash
of Rs. 1,20,000/-; some ornaments; and some household



articles.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the petitioner is not named in the F.I.R. He further submits that he has been arrested only on the basis of suspicion. He further submits that the name of the petitioner has emerged only on the basis of confessional statement of one co-accused, Rohit Kumar. He further submits that the petitioner has never given any confessional statement before the police, rather the police has forcibly taken the signature of the petitioner on a blank paper, which has no sanctity in the eyes of law. It has further been submitted that no Test Identification Parade has been conducted till date. It has also been submitted that the petitioner is a student and he has to appear in the examination of B.Sc., Part-II, being conducted by Babasaheb Bhimrao Ambedkar Bihar University, which is going to start today itself.

The petitioner has been languishing in jail since 31.01.2022.



It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Desari P.S. Case No. 30 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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