

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22165 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- JALALPUR District- Saran

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GOLDEN KUMAR SINGH SON OF LALAN PRASAD SINGH R/O
VILLAGE- NARAYANPUR, P.S.- BHELDI, DISTRICT- SARAN AT
CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Jalalpur P.S Case No.
254 of 2021 registered for the offences punishable under Section
392 of the Indian Penal Code and 27 of the Arms Act.

As per allegation, on the alleged date and time of the
occurrence, informant was sitting in his counter and was
withdrawing money of some customers, in the meantime, three
miscreants entered into the CSP and one of them started firing
and another put **Katta** over his **Kanpati** and also abusing and
looted Rs 4,40,000/- and when the informant protested they
assaulted him by means of butt of Katta and threatened him and



they also took his bag containing mobile and some documents.

The main submissions advanced by learned counsel Shri Vijay Kumar appearing for the petitioner are that the petitioner has clean antecedent, after his arrest in the instant case he was not put on test identification parade, against him there is only his statement and statement of co-accused Dablu Singh which were recorded by the police and the same have no evidenciary value and as per the prosecution 15,000 rupees and a mobile phone has been recovered from the possession of this petitioner but the said seized money was of the mother of this petitioner and the alleged recovered mobile phone was of the petitioner himself and the FIR registered against unknown person. Further submission is that the petitioner has been languishing in jail since 03.01.2022

Sri Md. Aslam Ansari, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as case diary of this case. The present case relates to loot committed by three miscreants by using firearms in a CSP and they looted Rs 4,40,000/- from the said CSP and during course of committing the offence they also assaulted the informant by means of butt portion of the country made pistol. The order of



court below goes to show that the investigation against the petitioner has been completed and the case diary goes to show that Rs 15,000/- which is stated to be a part of the looted money and a mobile phone were allegedly recovered from the possession of this petitioner but the prosecution failed to bring the fact into the knowledge of this Court about the reason of the identification of the said recovered money being concerned with the looted money of this case and petitioner has taken the defence that the recovered money belongs to his mother and there is also no identification report with regard to alleged recovered money. Further submission is that the petitioner has clean antecedent

Considering these facts as well as above submissions, in the opinion of this court a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M-13 Saran at Chapra in Jalalpur P.S Case No. 254 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the



Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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