

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30704 of 2022

Arising Out of PS. Case No.-899 Year-2019 Thana- SONEPUR District- Saran

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Papiya @ Banti @ Amarjeet Kumar Son of Late Harendra Rai @ Dora Rai
Resident of Village - jahangirpur, P.s.- Sonepur, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate.

For the Opposite Party/s : Mr. Vinod Kumar No. III, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Mr. Niranjan Parihar, learned counsel for the
petitioner and Mr. Vinod Kumar No-III, learned APP for the
State are present.

Petitioner seeks regular bail in connection with
Sonepur P.S. case no. 899 of 2019 registered for the offence
punishable under Section 392 of the Indian Penal Code.

Allegedly, one unknown person looted the motorcycle
of the informant by putting the informant in fear by showing a
country made pistol and as per the prosecution this petitioner
committed the alleged crime of loot.

The main submissions advanced by Mr. Niranjan



Parihar, learned counsel for the petitioner are that the petitioner is not named in the FIR, after his arrest the alleged looted article was not recovered from his possession, he has been made accused mainly on the basis of his own statement given before the police which has no evidentiary value, after the arrest and till now the petitioner has not been put on test identification parade and against him there is no any legal evidence and he has been languishing in jail since 2.2.2021 mainly on the basis of his statement given before the police.

Mr. Vinod Kumar No. III, learned APP for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the order of learned Court below. The FIR has been registered against unknown person and the petitioner has taken the plea that against him there is no evidence except his statement given before the police and in this regard, learned counsel for the petitioner has drawn the attention of this Court to relevant paragraph of the order of the learned Court below. There is no submission by learned APP in rebuttal of the said plea of the petitioner. It appears from the order of Court below that the investigation has been completed and it seems that while chargesheeting the petitioner for the alleged offence of loot



prosecution has mainly placed reliance upon his criminal antecedent and his statement recorded by him before the police. Considering these facts the petitioner deserves to the privilege of bail, 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 concerned Court in connection with Sonapur P.S. case No. 899 of 2019 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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