

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39546 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- PATAHI District- East Champaran

BIPUL SHARMA @ BIPIN SHARMA @ BABU SHARMA @ BABU
SAHEB Son of Nawal Kishor Thakur @ Nawal Kishor Sharma Resident of
Village - Haripur Krishan, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Shyam Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Shyam Kr. Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Patahi PS case no. 25 of 2020 instituted for the offences punishable under Section 392 of Indian Penal Code.

The allegation is regarding two unknown armed miscreants having entered in the shop of the informant, whereafter they had pointed pistols on the son of the informant and had then fled away after looting a cash sum of Rs. 70,000/-, mobile phone etc.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 04.11.2020. The learned counsel for the petitioner has further submitted that as far as the criminal antecedents of the petitioner are concerned, only after he was arrested in Shastri Nagar PS case no. 113 of 2019, he has been remanded in the other cases. It is next submitted that no test identification parade has been held till date so as to connect the petitioner with the alleged crime and no looted cash amount etc. have been recovered from the conscious possession of the petitioner. Lastly, it is submitted that the name of the petitioner has transpired in the present case upon disclosure made by the co-accused person in his confessional statement before the police and the said co-accused person has already been granted bail by the learned court below.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no test identification



parade has been held till date so as to connect the petitioner with the alleged crime nor any looted articles/ cash amount have been recovered from the conscious possession of the petitioner, though I deem it fit and proper to admit the petitioner to the privilege of bail but subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-VIIIth, Motihari, East Champaran in connection with Patahi PS case no. 25 of 2020.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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