

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39536 of 2021

Arising Out of PS. Case No.-546 Year-2019 Thana- GARKHA District- Saran

GAURAV SINGH @ GAURAV KUMAR S/o Dilip Kumar Singh @ Jagat
Singh R/o Village- Naudihan, Govind Chak, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 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 Garkha PS case no. 546 of 2019 instituted for the offences punishable under Section 392 of Indian Penal Code.

The allegation is regarding unknown miscreants having intercepted the informant, his father and his three brothers while they were going on a car to deposit a sum of Rs. 1,05,000/- in the Customer Service Center. It is further alleged that the said unknown miscreants, on pistol point, had



snatched the bag from the informant, apart from snatching other articles. It is also the case of the informant that while the miscreants were fleeing away, one of them namely Bhula Mahto was arrested and upon interrogation, he disclosed that one of the person who had fled away is the petitioner herein. The petitioner is alleged to have been remanded in the present case after he was arrested in one other case being Saraiya PS case no. 16 of 2021.

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 22.03.2021. The learned counsel for the petitioner has further submitted that only after the petitioner was arrested in Saraiya PS case no. 16 of 2021 on 06.01.2021, he has been remanded in the other criminal cases. It is next submitted that the person who was arrested from the spot, has already been granted bail and moreover, another co-accused person namely Sonu Mahto has also been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2020, passed in Cr. Misc. no. 19461 of 2020. Lastly, it is submitted that neither any test identification parade has been held till date so as to connect the petitioner with the alleged crime nor any looted cash amount/



articles have been recovered from the conscious possession of the petitioner.

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 parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court, apart from the fact that no test identification parade has been held till date so as to connect the petitioner with the alleged crime, I deem it fit and proper to admit the petitioner to the privilege of bail.

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 J.M. 1st class, Saran at Chapra in connection with Garkha PS case no. 546 of 2019.

(Mohit Kumar Shah, J)

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