

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29522 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- NAUTAN District- West Champaran

Vyas Singh Son Of Ekbal Singh @ Ekabal R/O- Village -Bagha Chawar, P.S.-
Taraiya Sujan, Dist.- Kushinagar (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Nautan P.S. Case No. 101 of 2021 registered for the offence

under Section 395 of the Indian Penal Code.

As per allegation ten unidentified persons looted a

tractor along with the trolley from the possession of informant's

driver and the alleged crime was committed at the point of gun

by the accused persons and after committing the said act of

dacoity the accused took away the tractor leaving behind the

tractor's trolley.



The main submissions advanced by learned counsel Mr. Umesh Chandra Verma appearing for the petitioner are that against the petitioner there is no material except the confessional statement of him as well as co-accused Narad Yadav and on the basis of the said statement the police submitted charge-sheet against the petitioner in the present case and petitioner was initially arrested in connection with Nautan P.S. Case No. 368 of 2021 from which he was remanded in the present case and he has not been named in the FIR and nothing incriminating material was recovered from his possession after he was taken into custody in the present case and during investigation he was not put on Test Identification Parade and against him there is no any legal evidence.

Learned APP Mr. Shailendra Kumar appearing for the State has opposed the bail prayer of the petitioner but accepted that as per order of trial Court there is no material against the petitioner except his statement and co-accused's statement given before the police.

Heard both the sides and perused the FIR. Though the present case has been lodged under Section 395 of IPC and the same relates to dacoity but the order of trial Court goes to show that the police have mainly relied upon the statements of this



petitioner and co-accused and submitted charge-sheet against the petitioner which has been accepted by learned APP and as such against the petitioner only his statement as well as statement of co-accused made before the police appears to be against him upon which the prosecution has based its case. Moreover, the investigation has been completed and the petitioner has been languishing in jail since 22.02.2022 in the present case and FIR has been registered against ten unknown persons. Considering these facts as well as above submissions, in my view a lenient approach can be taken in respect of petitioner's prayer, 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 Nautan P.S. Case No. 101 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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