

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43024 of 2021

Arising Out of PS. Case No.-136 Year-2018 Thana- KATEYA District- Gopalganj

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DABLU SHUKLA @ RAMANUJ SHUKLA, Son of Late Gayadeo Shukla
Resident of Village- Shukul Mundera, P.S.- Dhankatta, District-
Santkabimagar (Uttar pradesh).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 21.03.2019, seeks
regular bail in connection with Kateya P.S. Case No. 136 of 2018
(G.R. No. 2161 of 2018), for the offence punishable under Sections
395 and 397 of the Indian Penal Code.

The prosecution case, in brief, is that accused persons
named in the F.I.R., including the petitioner, were keeping eyes
over the area in question, who standing north to the Gopalganj road
and within five minutes, the other accused persons riding on 2-3
motorcycles along with 4-5 unknown criminals came there and
they moved towards northern side. It is alleged that the accused



persons thereafter moved in Bagahi Bazar and by firing they had looted the jewelry shops.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner has not been put on T.I.P. while he is in custody since 21.03.2019. He further submits that similarly situated co-accused Arjun Mishra, Sudhanshu Pandey @ Sudhanshu Kumar Pandey, Shambhu Pandey, Vikash Pandey, Ajay Kumar Mishra @ Tuntun Mishra, Nagendra Yadav and Golu Mishra have already been enlarged on bail vide order dated 20.09.2018 passed in Criminal Miscellaneous No. 51792 of 2018, 06.10.2018 passed in Criminal Miscellaneous No. 60625 of 2018, 06.10.2018 passed in Criminal Miscellaneous No. 61193 of 2018, 30.11.2018 passed in Criminal Miscellaneous No. 68522 of 2018, 19.12.2018 passed in Criminal Miscellaneous No. 76130 of 2018, 26.02.2019 passed in Criminal Miscellaneous No. 11561 of 2019, respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioner is not named in the F.I.R. nothing has been recovered from the conscious possession of the petitioner, the other co-accused have already been released on bail. The name of the petitioner has surfaced on the basis of statement made by the



Chowkidar, who is the interested witness and the fact there is no allegation of tampering the evidence or influencing the witness and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 136 of 2018 (G.R. No. 2161 of 2018), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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