

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35305 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- BHORE District- Gopalganj

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Amit Kumar Singh @ Fauji @ Fauzi S/O Banka Singh Resident of Village-
Nayagaon, P.S.- Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Parmanand Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sessions Trial No. 05 of 2022, arising out of
Bore P.S. Case No. 178 of 2021, registered for the offences
punishable under Sections 395 and 397 of the Indian Penal
Code.

As per the prosecution case it is alleged that the
informant runs a jewellery shop in the name and style of Deepak
Verma, on 23.04.2021 at about 01:30 pm., five armed
miscreants entered into the shop and looted jewellery worth of



rupees ten lakhs and fifty thousands.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the FIR has been instituted against five unknown miscreants, however, during the course of investigation, on the basis of CCTV footage co-accused Shibu Singh @ Taxi Singh, was apprehended and on his confession made before the police, the name of the petitioner and others transpires, however, the said co-accused Shibu Singh @ Taxi Singh has already been granted bail by learned Co-Ordinate Bench of this Court in Cr. Misc. 65845 of 2021, vide order dated 15.04.2022. He further submitted that learned Co-Ordinate Bench of this court while granting the bail to the co-accused Shibu Singh @ Taxi Singh, has taken note of the fact that CCTV footage is not a concrete identification of the accused, unless the accused persons put up on test identification parade. He also submitted that another co-accused, whose name is surfaced on the confessional statement of the co-accused, has also been granted bail by learned Co-Ordinate Bench of this Court and the copies of the same has brought on the record by way of Annexure-3 to the bail application. He next submitted that in fact on account of past criminal antecedent of the petitioner, his name has been implicated in such type of cases by



local police and this case is also an instance of such practice. He last submitted that the petitioner is in custody since 30.03.2022 and neither he has been put on test identification parade nor any incriminating material has been recovered from his person and possession.

On the other hand learned APP for the State opposed the bail application and submitted that petitioner has multiple criminal antecedent and he is named in altogether thirteen cases, in response of the aforesaid submission learned counsel for the petitioner submitted that except the present one, the petitioner is on bail in all other cases and moreover, the criminal antecedent of the person cannot be a sole ground to keep the person behind the bar, as the accusation is yet to be proved during the trial.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has surfaced on confessional statement of the co-accused and the said co-accused has already been granted bail by learned Co-Ordinate Bench of this Court and moreover, neither the petitioner is put on test identification parade nor any incriminating material has been recovered from the person and possession of the petitioner and the criminal antecedent of the person cannot be a sole ground to keep the person behind the



bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-7th, Gopalganj, in connection with Sessions Trial No. 05 of 2022, arising out of Bore P.S. Case No. 178 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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