

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45677 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- RIGA District- Sitamarhi

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Dhananjay Singh @ Dhananjay Kumar Singh S/O Amar Kumar Singh R/O
Village-Harpur Kala, Ward No. 7, P.S-Majorganj, District-Sitamarhi (Bihar).
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Pushkar Narayan Shahi, Sr. Advocate Mr. Shankar Kumar, Advocate
For the Opposite Party/s :	Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-03-2022 Heard Mr. Pushkar Narayan Shahi, learned Senior

Counsel assisted by Mr. Shankar Kumar, learned counsel for the

petitioner and Mr. Shyam Kumar Singh, learned APP for the

State.

The petitioner in the present case is seeking regular
bail in connection with Riga P.S. Case No. 258 of 2020
registered for the offences punishable under Sections 394, 302
of the Indian Penal Code and Section 27 of the Arms Act. He is
in custody since 11.11.2020. The petitioner has got two criminal
antecedents and in both the cases he is said to be on bail.

As per the prosecution story, one Ashok Kumar Singh
is the informant. He is brother of the deceased Sujeet Kumar
who was working as a Manager of Customer Service Centre and
had gone to Riga along with co-accused Shivam Kumar after



withdrawing a sum of Rs.5 lakhs from the bank. It is alleged that when he was returning with the money along with co-accused Shivam Kumar, on the way two unknown motorcycle borne miscreants intercepted them and started snatching the bag containing Rs.5 lakhs. When the deceased protested then one miscreant who was driving the motorcycle fired shot at his temple as a result whereof he died. Both the criminals snatched the bag containing the money.

Learned Senior Counsel for the petitioner submits that in course of investigation, one Pinku Kumar was arrested by police. He confessed his guilt, his participation in the alleged occurrence along with other co-accused and specifically stated that co-accused Vikas Singh had fired upon the temple of the deceased (brother of the informant) in course of the occurrence. So far as this petitioner is concerned, his active participation has not been alleged, it is only at the later stage the said co-accused Pinku Kumar stated that after snatching the bag he reached to a particular place and called this petitioner there and handed over the bag containing the money.

Learned Senior Counsel submits that so far as the alleged occurrence of committing loot and killing of the brother of the informant is concerned, no material has been collected



indicating any participation of this petitioner either in the conspiracy or while executing the said conspiracy.

Learned APP for the State has gone through the case diary. He has read out the statement of the co-accused recorded in paragraph '50' of the case diary in which the specific allegation of firing has been made against co-accused Vikas Singh. No other material has been pointed out to this Court to indicate active participation of the petitioner in the alleged occurrence.

Having regard to the materials noticed above and on taking into consideration that there is no material indicating that the petitioner had actively participated in the alleged occurrence and at best he has been made accused because he had allegedly kept some money at the instance of co-accused Pinku Kumar, which the petitioner has denied, the petitioner has already remained in custody for about one and half year, investigation against him is complete, his presence may also be secured in course of trial and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Sitamarhi in connection with Riga P.S. Case No. 258 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

