

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36911 of 2022

Arising Out of PS. Case No.-149 Year-2018 Thana- SAKRI District- Madhubani

Shubham Kumar Singh @ Shibam Singh @ Shubham Singh Son of Bipin Singh @ Vipin Kumar Singh R/O Village- Narpat Nagar, P.S.- Sakri, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sakri P.S. Case No. 149 of 2018 registered for the offence under Sections 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 26.07.2021.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so taken away cash of Rs. 10,29,000/- belongs to



informant.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Amresh Kumar Singh, in furtherance thereof, nothing surfaced during the course of investigation to connect this petitioner with alleged occurrence. It is also submitted that the petitioner was not put on TIP, as yet. It is further submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 8653 of 2021 vide order dated 18.01.2022. It is submitted that the petitioner has been falsely implicated in the present case due to his criminal antecedent, as he found involved in nine more criminal cases, where name of petitioner surfaced mostly on the basis of confessional statement, as of the present. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned



above, as nothing incriminating surfaced/recovered from the possession of the petitioner to connect him with present occurrence of robbery coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sakri P.S. Case No. 149 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Bipin Singh @ Vipin Kumar Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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