

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47222 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- RAJEPUR District- East Champaran

Pankaj Kumar @ Pankaj S/O Maujelal Sahani R/O Village-Rohua Maniyapur,
P.S-Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Rajepur
P.S. Case No. 159 of 2020 instituted for the offences under
Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.12.2020, charge-sheet has been
submitted in the case and has one antecedent as mentioned in
paragraph '3' of the bail application.

Learned counsel for the petitioner submits that
allegation is of looting Rs. 1,52,276/- along with tab, biometric
etc from the informant by two unknown criminals, further the
informant even claimed in the FIR that he can identify the
miscreants on seeing their faces.



Learned counsel for the petitioner submits that petitioner till date has not been put on T.I.P. despite the claim of the informant that he can identify the culprits, further nothing has been recovered from the possession of the petitioner but during the course of investigation it has come that at the instance of this petitioner, the biometric was recovered from possession of another co-accused.

Shri Chandra Bhushan Prasad, learned A.P.P. for the State submits that in compliance of the order dated 17.01.2022, he has received instruction from the S.P., East Champaran, Motihari, as the S.P., East Champaran, Motihari was directed to file a counter affidavit on the ground that when the informant claimed in the F.I.R. that he can identify the accused person then why the accused petitioner who was arrested was not put on T.I.P. Learned A.P.P. on the basis of written instruction submits that the I.O. of the case on 22.01.2022 had written a letter to the informant asking him to come to the court of learned Chief Judicial Magistrate for identifying the accused petitioner, on which the informant gave in writing to the I.O. on 22.01.2022 that due to lapse of time he cannot identify the accused as presently he does not remember the face of the accused persons.

After hearing learned A.P.P., the Court is *prima facie*



of the opinion that the letter was written to the informant only after passing of the order dated 17.01.2022 when the petitioner was in custody since 21.12.2020, this amply demonstrates that the Investigating Officer with a view to help the accused did not allow the T.I.P. to take place when the informant in the F.I.R. had categorically stated that he can identify the accused persons who had committed the occurrence, obviously after passing of more than one year it will be very difficult for any individual to remember the face.

The S.P., East Champaran, Motihari is directed to hold an enquiry into the conduct of the Investigating Officer who had investigated the case and after the arrest of the accused did not arrange for T.I.P. and shall submit a report to the Court by 28.02.2022.

Considering the fact that the petitioner is in custody since 21.12.2020, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari in connection with Rajepur P.S. Case No. 159 of 2020



with a condition that one of the bailors shall be the father of the petitioner and further that if the petitioner is involved in a case of similar nature, the court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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