

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40442 of 2022

Arising Out of PS. Case No.-713 Year-2021 Thana- SUPAUL District- Supaul

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AJAY SINGH @ BANTI SINGH S/o Arjun Singh R/o village and P.O.-
Balwa Nauhatta, Ward No. 4, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sessions Trial No. 24 of 2022, arising out of Supaul P.S.
Case No. 713 of 2021 for the offences under Sections 394 of the
Indian Penal Code.

As per the prosecution story, the informant has
alleged that the accused persons covering their face with
'Helmet' and 'Gamchha' entered their office armed variously,
snatched the mobile and thereafter looted the mobile sets after
breaking the locks of the 'almirah' as also took the cash amount.
In the mean time, the staffs returned and from him Rs. 3,02,097



and Rs.8,91,171/- were also looted. The accused persons left the place but before not taking the D.V.R of the C.C.T.V. Once they left, the informant dialed 100 number. The police came, the details were given and the F.I.R was lodged.

Learned counsel for the petitioner submits that his brother-in-law is implicated in this case and his only fault was that he talked to him and thus was also brought in the category of accused. Although, the location of his mobile does not match with the place of occurrence, he is suffering. It has further been submitted that though, he is in custody since 08.11.2021, no T.I. Parade has been done and/or anything recovered from his conscious possession. It is his last submission that the other similar placed co-accused Vikash Thakur and Sintu Kumar have since been released on bail vide Cr. Misc. No. 1911 of 2022 and Cr. Misc. NO. 5979 of 2022 respectively by co-ordinate Benches of this Court. He however, acknowledges that the petitioner do have criminal antecedent and as such he is ready to abide by all the terms and conditions imposed including staying out of the District, if granted the privilege of bail.

Learned APP for the State, on the other hand, opposes the prayer for bail pointing out the amount that has been looted by the accused persons as also the mobiles.



Taking into account the fact the petitioner is in custody since 08.11.2021, no T.I. Parade has been done and as per the statement of the learned counsel for the petitioner nothing has been recovered from his conscious possession, charge sheet stands submitted, this Court is inclined to grant him privilege of bail. If however, it is found that any statement made by the learned counsel for the petitioner is false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Supaul in connection with Sessions Trial No. 24 of 2022, arising out of Supaul P.S. Case No. 713 of 2021 with conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his/her district (Saharsa)



for a period of one month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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