

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43311 of 2022

Arising Out of PS. Case No.-196 Year-2019 Thana- SHIVSAGAR District- Rohtas

Sahil Raj @ Biru Son of Gopal Singh Resident of village - Morsarai, P.S.-
Shivsagar, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Shiv
Sagar P.S. Case No. 196 of 2019 registered for the offence
punshiable under Section 395 of the Indian Penal Code.

As per the prosecution, the informant has alleged that
his tractor and his driver's mobile phone were looted by 7-8
unknown miscreants from the alleged place and also the accused
persons assaulted the driver of the looted vehicle.

At the outset in the course of argument, learned
counsel for the petitioner submits supplementary affidavit with



regard to an order passed in connection with co-accused person of this case. The said supplementary affidavit is directed to be kept on record.

The main submissions advanced by learned counsel Mr. Sabal Kumar Jha appearing for the petitioner are that against the petitioner there is no material except the confessional statement of co-accused Vinit kumar who has been granted bail by the Court below and the petitioner's prayer was rejected by the Court below mainly on the ground of his two criminal antecedents and except the statement of said co-accused and his criminal antecedents, there is no any other material to connect the petitioner to the alleged occurrence of loot and after the petitioner's arrest he was not put on Test Identification Parade and he has been languishing in jail since 21.04.2022.

Learned APP Mr. Parmanand Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. It appears that while rejecting the prayer of the petitioner the learned Court below mainly placed reliance upon the statement of co-accused given before the police in respect of the involvement of the petitioner in the alleged crime, though as per the prosecution some co-accused persons were found



wandering near the alleged place of loot during the relevant time but the petitioner has taken the plea that after his arrest he was not put on Test Identification Parade and the said plea has not been refuted by the learned APP. Considering these facts and also the fact that co-accused Vinit Kumar who revealed the role of the petitioner and co-accused in the alleged crime has been granted bail by the Court below itself and also taking into account the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Shiv Sagar P.S. Case No. 196 of 2019.

(Shailendra Singh, J.)

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