

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41999 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- RANIGANJ District- Araria

Ashish Kumar @ Dilkhush @ Dilkhush Kumar Son Of Raj Kumar Yadav @
Raj Kumar Singh Resident Of Village - Kabilash, P.S.- Raniganj, District -
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 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
Raniganj P.S. Case No.20 of 2022 registered for the offences
punishable under Section 392 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution, the informant's bag which
contained Rs.3,94,000/- was looted by three miscreants who
were riding on a motorcycle.

The main submissions advanced by the learned



counsel Mr. Gopal Kumar Jha appearing for the petitioner are that the petitioner has been languishing in jail since 19.04.2022 and after his remand in the instant case any looted article of the present matter was not recovered from the conscious possession of the petitioner, the name of this petitioner surfaced in the statement of co-accused namely Robin Kumar who recorded his statement in other P.S Case and except the statement of the said Robin Kumar there is no any other material available which would connect the petitioner to the alleged crime of loot. Further submission is that the petitioner has criminal antecedent of one case.

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

Heard both the sides and perused the FIR and the order impugned. The instant matter relates to loot and the accused persons allegedly looted Rs.3,94,000 and some documents from the possession of the informant and the FIR was lodged against unknown persons. The order of the Court below goes to show that the prosecution's case is mainly based on the statement of co-accused Robin Kumar recorded by him in Raniganj PS Case No.25 of 2022 in respect of involvement of the petitioner in the alleged crime of loot and the Court below



also placed reliance on the said statement of co-accused while rejecting the bail prayer of the petitioner. Accordingly, the main material upon which the prosecution has placed reliance against the petitioner is statement of co-accused Robin Kumar recorded by him before the Police and there is no submission on behalf of the prosecution that after the petitioner's remand in the instant matter any recovery of any looted money or article was made by the police from the possession of the petitioner. Considering these facts as well as petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of 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 the concerned Court in connection with Raniganj P.S. Case No.20 of 2022 on following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner except Raniganj P.S. Case No.25 of 2022 is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

murli/-

U		T	
---	--	---	--

