

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43779 of 2022

Arising Out of PS. Case No.-296 Year-2018 Thana- RANIGANJ District- Araria

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Gourav Yadav @ Gourav Singh S/o Jay Kumar Singh R/o village -
Gharbandha, Bagulaha, P.S. Raniganj, District – Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-11-2022 Virtual Hearing.

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 learned APP for the State through virtual mode.

Petitioner seeks regular bail in connection with Raniganj P.S. Case No. 296 of 2018 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution, the informant and his colleagues were looted at a gun point by some unknown miscreants. Further it is alleged that the accused persons looted a cash of Rs. 3,43,649/-, a mobile phone and some other articles, documents

related to the bank.

During the course of argument, it has been mainly argued by learned counsel Mr.Kundan Kumar Singh, appearing for the petitioner that the petitioner is not named in the FIR and during the course of investigation his name came into light in the confessional statements of two co-accused persons namely, Sakaldeo Paswan and Ranjan Yadav and thereafter he was made accused in this case and after his arrest in the present matter police failed to recover any looted articles from his possession, and even he was not put on Test Identification Parade and the said co-accused Sakaldeo Paswan and other co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide orders passed in Cr. Misc. No. 31169 of 2019, Cr. Misc. No. 36265 of 2019, Cr. Misc. No. 61731 of 2019, Cr. Misc. No. 72699 of 2019 and Cr. Misc. No. 42346 of 2021.

In refutal of the said submissions, learned APP Mr.Uma Shankar Prasad Singh, submits that against the petitioner there is criminal antecedent of several cases and he does not deserve to the privilege of bail but learned APP accepts that after the petitioner's arrest in the present case no recovery was made from his possession.

Considering all these facts and mainly taking into account

the petitioner's above defences which have not been refuted by learned APP, it will not be proper to keep the petitioner behind the bar mainly on the basis of confessional statements of co-accused persons given before the police and also considering the fact that the co-accused persons who revealed the role of the petitioner in the alleged crime are on bail, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with Raniganj P.S. Case No. 296 of 2018 on the 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.

(Shailendra Singh, J.)

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