

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51593 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- BARH District- Patna

SURAJ KUMAR Son of Shyam Lal Paswan Resident of Village - Shahri, P.S.
- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barh P.S. Case No. 55 of 2020 registered for the alleged offences under Section 395 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused persons waylaid the father of the informant and looted the proceeds of sale from the petrol pump of the informant, totaling an amount of Rs. 8,80,000/-.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He has not been named in the F.I.R. which has been registered against unknown. The petitioner has been named in this case in the confessional statement of co-accused Rohit Tiwary, who has been allowed bail by a Coordinate Bench of this Court vide order dated 20.06.2022 passed in Cr. Misc. No.42770 of 2021 and another co-accused Lallu Kumar has also been granted bail by a Coördiante Bench of this Court vide order dated 21.06.2022 passed in Cr. Misc. No.39102 of 2021. No recovery has been made from the petitioner and he has not been put to Test Identification Parade. The petitioner is in custody since 26.06.2020.

Learned APP opposes the prayer for bail submitting that during investigation, the name of the petitioner was disclosed by the co-accused. The petitioner is also having criminal antecedent.

Having regard to the submissions made hereinabove and considering the petitioner has not been named in the FIR and nothing incriminating has been recovered from the petitioner coupled with the fact that the other co-accused persons have been allowed bail by Coordinate Benches of this court and also considering the period of custody, the petitioner



above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Barh, Patna in connection with Barh P.S. Case No. 55 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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