

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52720 of 2021

Arising Out of PS. Case No.-274 Year-2021 Thana- BUXAR District- Buxar

Sushil Pandey S/O Mudrika Pandey R/O Vir Kunwar Singh Colony, Buxar,
Post Office-Buxar, Police Station-Buxar Town, District-Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Adv

For the Opposite Party/s : Mr. Anita Kumari,APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner as well
as learned Additional Public Prosecutor for the State

Petitioner seeks bail in a case registered in
connection with Buxar Town P.S.Case No. 274 of 2021 for
the offences punishable under Sections 392 of the Indian
Penal Code.

As per the prosecution case, it is alleged that on
17.06.2021 at 9.30 pm, when the informant reached near his
shop after collecting Rs. 4 lac from different places, in the
meantime three unknown persons entered into his shop and
on the point of pistol snatched Rs. 4 lac from the informant
and further the miscreants also looted Rs 2 lac cash from his
drawer and other valuables from the shop . It is also alleged



that all the three miscreants had covered their faces due to which he could not recognize them. The informant suspected the hands of the petitioner in the present crime.

Learned counsel for the petitioner submits that save and except the suspicion raised by the informant, there is no other material. It is further submitted that neither any incriminating material has been recovered from his possession nor there is any circumstantial evidence disclosing the complicity of the petitioner in the present crime. It is next submitted that police forcibly obtained signature on the blank paper, which later on converted into confessional statement of the petitioner. It is lastly submitted that this petitioner is in custody since 20.06.2021 and moreover, investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that during the course of investigation co-accused persons were apprehended and they disclosed the name of the petitioner as a liner and he is also found involved in one another case.

Having heard the rival contentions of the parties



and taking into consideration the fact that save and except the suspicion and the disclosure made by other co-accused persons, there is no material suggesting the complicity of the petitioner in the present crime and he is in custody since 20.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S.Case No. 274 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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