

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46361 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- HASPURA District- Aurangabad

Raju Singh @ Rajesh Singh Son Of Ramraj Singh R/O Village- Shinghara,
P.S.- Koch, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-12-2022 The matter is heard through video conferencing in
virtual mode.

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 through virtual mode.

Petitioner seeks regular bail in connection with
Haspura P.S. Case No. 85 of 2021 registered for the offences
punishable under Sections 379 and 384 of the Indian Penal Code
and Section 27 of the Arms Act.

As per the prosecution, the informant received a
threatening letter from unidentified persons wherein an
extortion demand was made from him after forcibly opening the



door of the informant's mill and snatched the informant's mobile phone and fired a bullet at the floor.

The main submissions advanced by learned counsel Ms. Mukul Kumari appearing for the petitioner are that the petitioner is not named in the FIR and during the course of investigation his name surfaced in his own statement given before the police and after his arrest in the present case he was not put on Test Identification Parade and the alleged offence of Section 384 of the Indian Penal Code is not made out in this case and the FIR was lodged against two unknown persons and the petitioner is dragged in this case merely on the basis of suspicion and he has been languishing in jail since 09.09.2021.

Learned APP Mr. Shantanu Kumar appearing for the State has opposed the bail prayer but accepted that as per the order of Court below the main material against the petitioner is his own confessional statement given before the police and he has a long criminal history.

Heard both the sides and perused the FIR and the order of learned Court below. The FIR was lodged against some unknown persons and the main defence of the petitioner is that against him there is no any legal evidence except his own statement given before the police, the said defence has not been



refuted by the learned APP and the order of the learned Court below goes to show that while rejecting the prayer of the petitioner the Court below mainly placed reliance upon the petitioner's statement given before the police as well as his criminal antecedents. Accordingly, the main materials on which basis the petitioner has been kept behind the bars is his own statement given before the police and his criminal antecedents, hence in the opinion of this Court, it will not be proper to keep the petitioner behind the bars mainly on the said materials. Considering these facts and mainly taking into account the custody period of the petitioner, 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 Haspura P.S. Case No. 85 of 2021, 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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