

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57432 of 2021

Arising Out of PS. Case No.-103 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

SATYAM KUMAR PASWAN @ SATYAM KUMAR Son of Ramnath
Paswan Resident of Village - Udamarekha, P.S.- Muffasil, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate with Mr. Rajendra Prasad Sah, Advocate. Mr. Kumar Rajdeep, Advocate.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 19-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. N.K. Agrawal, learned senior counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Muffasil P. S. Case No. 103 of 2021 registered for the offences punishable under Section 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant along with his nephew, after collecting the money



to the tune of Rs. 7,27,000/- were proceeding towards their destination, in the meantime, five persons came on two motorcycles surrounded them and at the point of pistol snatched away the money and other documents and also took away articles detailed in the F.I.R..

Learned senior counsel appearing on behalf of the petitioner submitted that the F.I.R. was instituted against the unknown miscreants, however, during the course of investigation, it appears from the case diary that the petitioner was apprehended on 30.06.2021 and his confessional statement was recorded at 09:45 A.M., but surprisingly the seizure list has been prepared on 30.06.2021 itself at 09:40 A.M., which clearly demonstrate that this is not a case of confession leading to recovery rather it is a case, where after recovery, confession of the petitioner was obtained forcefully. It is also submitted that the police as well as informant claimed to identify the petitioner in CCTV footage but the petitioner as well as the recovered amount has never been put on Test Identification Pared for getting it identified by the informant. It is further submitted that co-accused Md. Israfil @ Md. Guddu against whom there was identical allegation of being identified in CCTV footage has already been granted bail by learned coordinate Bench of this



court in Cr. Misc. No. 4710 of 2022 vide order dated 26.05.2022. It is next submitted that the recovered amount is not a looted amount as it has never been put on Test identification Parade rather the said money was kept for the marriage of the sister of the petitioner. It is last submitted that the petitioner is a student, aged about 19 years, is in custody since 30.06.2021, bears no criminal antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the looted amount has been recovered from the possession of the petitioner and he has also been identified in the CCTV footage by the police and the informant.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that even on being allegedly identified by the police, or informant neither the petitioner nor the recovered amount has been put on Test Identification Parade, apart from the co-accused persons, having similar allegation has already been granted bail by learned coordinate Bench of this court, coupled with the period of his incarceration and fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Muffasil P. S. Case No. 103 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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