

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57423 of 2021

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

HARERAM SINGH Son of Late Dinanath Singh Resident of Village -
Bichiyaw, P.S.- Dinara, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 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. Vikram Deo Singh, learned 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 Buxar (Town) P. S. Case No. 274 of 2021
registered for the offences punishable under Section 392 of the
Indian Penal Code.

As per the prosecution case, it is alleged that on
17.06.2021 at 09:30 P.M. when the informant reached near his
shop after collecting Rs. 4 Lakh from different places, in the



meantime, three unknown persons entered into his shop and on the point of pistol, snatched Rs. 4 Lakh from the informant and further, the miscreants also looted cash of Rs. 2 Lakh 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 appearing on behalf of the petitioner submitted that the name of the petitioner has transpired on the confessional statement of co-accused Sushil Pandey and on his confession, the petitioner was arrested. On search, one country-made pistol along with cartridges were recovered. One desktop and some other incriminating material has also been recovered from his possession but neither the petitioner nor the alleged looted incriminating articles has been put on Test Identification Parade. While concluding his submission, he submitted that though, the petitioner was arrested on 18.06.2021 and a case has been instituted under the Arms Act but he has been remanded in this case on 09.07.2021, though, other co-accused person, who was apprehended along with the petitioner, they have been remanded on the next date itself. It is last submitted that save and except the Arms Act and



the present one, the petitioner had no criminal antecedent and moreover, the petitioner is in custody since 09.07.2021 with respect to the present crime in as much as the co-accused Vikash Kumar @ Vikash Singh, who was apprehended along with the petitioner and from whose possession Rs. 30,000/- was recovered, has already been granted bail by this court in Cr. Misc. No. 159 of 2022 vide order dated 22.08.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has come on the confessional statement of co-accused persons and during the course of investigation, incriminating material, which is said to have been looted one have been recovered from the possession of the petitioner and moreover, he himself confessed his complicity in the present crime.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that neither the petitioner nor the recovered incriminating articles has been put on Test Identification Parade and save and except the confessional statement, which obtained by the police, there is no other material and moreover, the petitioner is in custody since 09.07.2021 and the investigation of the crime is already completed and the charge sheet has been submitted, apart from



the co-accused person having identical allegation has already been granted bail by this court, 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, 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 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.
- (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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