

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60592 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- AMAS District- Gaya

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DHIRAJ KUMAR SINGH @ KARU SINGH @ DHIRAJ KUMAR SINGH
Son of Late Purushottam Singh Resident of Village - Simri, P.s.- Amas, Distt.-
Gaya.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Santosh Kumar Pandey, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 16-02-2022 The applicant/accused in Crime No.210 of 2021 registered with Police Station-Amas for the offences punishable under Sections 384, 386, 365/34 of the Indian Penal Code and Section 50 of the Bihar Prohibition and Excise (Amendment) Act, 2018, is being given out of turn hearing on the ground that the condition of his pregnant wife is critical and he is sole earning member in the family.

Sufficient time was granted to the prosecution to verify this fact and also to seek instructions. That is how the counter affidavit is also filed by the State opposing the application.

The learned counsel appearing for the applicant argued that the applicant is roped in the instant crime only on the basis of confessional F.I.R. lodged by Shatrughan Ray who was



transporting 4000 liters of alcohol which was kept concealed in his six wheeler truck. Except this, there is no iota of evidence against the applicant.

The learned A.P.P. opposed the application by submitting that the applicant and other accused persons had intercepted the truck transporting the alcohol and extracted an amount of Rs.1.25 lacs from the owner of the truck posing themselves as police. It is further argued by the learned A.P.P. that the applicant himself, as seen from paragraph-13 of the case diary, has confessed that he had participated in the subject crime.

I have considered the submissions so advanced and also perused the materials placed before me, including the counter affidavit filed by the State.

Shatrughan Ray, Driver of the six wheeler truck, on 14.08.2021, was transporting 4000 liters of illicit alcohol kept concealed in his truck. During that journey, his truck was intercepted by 5 accused persons who were travelling in the Scorpio vehicle. He was forced to take his truck to the Manokamna Hotel. Then those 5 accused persons by posing themselves as police asked first informant Shatrughan Ray to call his owner. Accused Guddu Khan spoke with owner of the first informant and by threatening his owner had directed his



owner to transfer an amount of Rs.1.25 lacs so as to release his truck transporting illicit alcohol. That is how, the amount was transferred. In the First Information Report, Shatrughan Ray had named four accused persons and described the 5th accused person as unknown slim person with dark complexion. Then he proceeded to implicate owner of the hotel who happens to be the present applicant as the sixth person involved in the subject crime. No specific role is attributed to the applicant, in front of whose hotel the truck was directed to be taken by 5 accused persons travelling in the Scorpio vehicle.

It hardly needs to mention that confession made by accused to the police is not admissible in evidence unless and until it results in recovery or discovery of some incriminating fact. Undisputedly, the applicant is owner of the hotel, in front of which truck was taken by 5 accused persons travelling in the Scorpio vehicle. The applicant is behind the bars from 16.08.2021. The investigation of the subject crime is over. Chargesheet has already been filed. Considering this nature of evidence against the present applicant, I see no reason to refuse bail to the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.210 of 2021



registered with Police Station-Amas for the offences punishable under Sections 384, 386, 365/34 of the Indian Penal Code and Section 50 of the Bihar Prohibition and Excise (Amendment) Act, 2018, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections forthwith
and the Registry to issue the certified copy of this order only
after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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