

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61565 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- SURSAND District- Sitamarhi

Subodh Kumar Raut @ Subodh Kumar S/O Late Tej Narayan Raut R/o
village- Sursand, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ranjeet Kumar Mishra, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sursand P.S. Case No. 57 of 2021 registered for
the offence punishable under Section 395 of the Indian Penal
Code.

The prosecution case is based on a written report filed
by the informant alleging therein, that on 03.02.2021, at about
01:30 PM in the night, five persons entered in the house of the
informant and after tying him and his wife looted away
valuables and cash of Rs. 5,000 and ornaments.



Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against five unknown persons, however, during the course of investigation, the name of the petitioner has transpired on the basis of confessional statement of co-accused Chhote Ansari @ Samim Ansari and Shibu Sahani, who were apprehended in connection with Sursand P.S. Case No. 240 of 2021, thereafter, the petitioner was also apprehended in connection with the aforesaid Sursand P.S. Case No. 240 of 2021 and later on remanded in the present case on 19.06.2021 and since then he is in custody. He next submits that another co-accused persons having identical allegation has already been granted bail by this Court in Cr. Misc. No. 58673 of 2021 vide order dated 26.09.2022. He lastly submits that though the petitioner is in custody for more than one year and three months, however, till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered.

A supplementary affidavit has also been filed on behalf of the petitioner and submission has been made that prior to the institution of this case, the petitioner was found involved in four cases, however, during the pendency of this application, he has been remanded in other two cases. The description of



which have been mentioned in paragraph 4 of the supplementary affidavit.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has transpired on the confessional statement of accused persons.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in the FIR nor he has been put on Test Identification Parade or any incriminating material has been recovered from his person and possession, apart from the fact that he is in custody since 19.06.2021, let the petitioner, named above, 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, Sitamarhi in connection with Sursand P.S. Case No. 57 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. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

(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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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