

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62773 of 2021**

Arising Out of PS. Case No.-403 Year-2020 Thana- SAHPUR District- Bhojpur

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TIGAN NUT @TIGAN NAT Son of Jurul Nut Resident of Village - Sahiyar,
P.S.- Sahiyar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 26-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with G.R. No.
5831/2021 arising out of Shahpur P.S. Case No. 403/2020
registered for the offences punishable under Section 394 of the
Indian Penal Code.

As per prosecution case, on 13.12.2020 when the
informant returning home after closing his jewellery shop. The
informant surrounded and threatened at gun-point by three
unknown persons to hand over his airbag in which the petitioner
was allegedly carrying gold and silver articles from his shop and
other articles including some cash. It is further alleged that



when the informant tried to resist the attack, the miscreants verbally abused and fired on the informant, which struck and injured the informant in his private part. The informant raised alarm and was taken to the hospital for medical treatment.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of petitioner surfaced in this case on the basis of confessional statement of co-accused, Bhikari Yadav @ Dipu Yadav after six months of the occurrence, he has also confessed the name of co-accused, Jhunnu Nut including petitioner, had threatened and attacked on the informant. The petitioner is languishing in custody since 31.05.2021 and bears criminal antecedent of two cases. The petitioner has neither apprehended on the spot nor incriminating article recovered from the conscious possession of the petitioner. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that from bare perusal of the FIR, it appears that the informant stated that the miscreants were aged about 17-22 years, which is contrary to the fact that the petitioner was aged about 55 years. Charge sheet has been submitted in this case and



there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bhojpur, Ara in connection with G.R. No. 5831/2021 arising out of Shahpur P.S. Case No. 403/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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