

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52925 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- JALALPUR District- Saran

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SANDEEP THAKUR SON OF RAMESHWAR THAKUR R/O VILLAGE-
BHATKESHARI, P.S.- JALALPUR, DIST.- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Jalalpur
P.S. Case No. 248 of 2021 registered for the offences punishable
under Sections 394 of the IPC and 27 of the Arms Act.

As per prosecution case, informant was returning with
Rs. 1,00,000/- and passbook of 50 customers which were kept in
jhola. On the way, three miscreants came and surrounded the
informant and fired on the leg of the informant and also assaulted
him on his head by means of butt of the pistol as a result of which he
fell down. It is further alleged that three miscreants took away the
jhola of the informant. It is further alleged that among three
miscreants, informant identified one miscreant namely Sujita Mishra



at the spot and it is claimed by the informant that he can identify two others also.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the case upon the confessional statement of co-accused Suraj Kumar. Said confessional statement has no legal value in the eyes of law. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 15.01.2022 and bears criminal antecedent of two cases in which petitioner is not named in both the cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no TIP has been conducted uptill now though there is specific narration in the FIR that informant claims to identify others who fled away from the place of occurrence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner is facilitator of the alleged crime.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from the possession of the petitioner, charge sheet has been submitted in the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIII, Saran at Chapra in connection with Jalalpur P.S. Case No. 248 of 2021, 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)

vashudha/-

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