

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53549 of 2022

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

AYUSH KUMAR SINHA @ SHIVAM @ SUGGI SON OF AHAURI
VIMAL KUMAR R/O VILLAGE- BADAHI BASAULI, P.S.- BUXAR,
DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Mohammad Sufyan

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.

The petitioner seeks bail 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 prosecution case, the informant Jitendra Kumar narrated the story that when he alongwith his staff entered in the shop, three miscreants also entered in the shop of the informant and on the point of pistol they snatched Rs. 4 lakh in cash from the informant. It is further alleged that miscreants also looted Rs. 2 lakh in cash from the drawer. It is further



alleged that other valuable articles were also taken away from the shop of informant.

Learned counsel for the petitioner submits that petitioner is in custody since 09.07.2021. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has been falsely implicated in the present case. Nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the present petitioner has been surfaced in this case upon the confessional statement of the co-accused Sushil Pandey. Except confessional statement of co-accused Sushil Pandey, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that co-accused Sushil Pandey upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by the co-ordinate bench of this Court vide Cr. Misc. No. 52720 of 2021 and the case of present petitioner stands on better footing.



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, co-accused has already been granted bail by co-ordinate bench of this Court, nothing has been recovered from the possession of the petitioner, as submitted, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 C.J.M., Buxar in connection with Buxar Town P.S. Case No. 274 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)

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