

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68436 of 2021

Arising Out of PS. Case No.-585 Year-2021 Thana- ARA NAWADA District- Bhojpur

Sachin Deshmukh Son Of Sarjea Rawat @ Sarjerao Deshmukh @ Sarjerale
Deshmukh Resident Of Village - Machhuatoli Bari Masjid, P.S.- Arrah Town,
District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

3 09-02-2022 The applicant/accused is given out of turn hearing on
the ground of ailment of his wife.

The applicant/accused in Crime No. 585 of 2021
registered with Ara Nawada Police Station for the offence
punishable under Section 392 of the Indian Penal Code, by this
application is seeking his release on bail during pendency of the
trial.

Heard the learned counsel appearing for the
applicant/accused as well as learned Additional Public
Prosecutor appearing for the State.

The learned counsel for the applicant argued that the
applicant is in no way concerned with the subject crime.
Though whatever is looted is stated to be weighing 150 grams,



recovery from the shop of the applicant is shown to be that of gold weighing 300 grams. As it is ingot; the same was not in a position to be identified by the alleged victim of the crime in question and, therefore, further pretrial detention of the applicant is not warranted.

The learned Additional Public Prosecutor argued that the applicant had assisted the robbers in melting the gold ornaments looted from the jewellery shop of the first informant i.e., ingot weighing 300 grams came to be seized from the shop of the applicant.

I have considered the submissions so advanced and also perused the materials placed before me.

It is reported by Dharmendra Kumar @ Pawan Kumar that by brandishing fire-arms three robbers entered in his jewellery shop and looted gold ornaments weighing 150 grams costing rupees six lacs and fifty thousand.

It is seen that during the course of investigation on the basis of confessional statement of the accused persons, jewellery shop of the applicant came to be raided and ingot of gold weighing 300 grams came to be seized from him. It is not known whether statement of the accused came to be recorded under Section 27 of the Evidence Act or not.



Be that as it may, the applicant is not having any criminal antecedent. He is owner of the jewellery shop. Double the amount of the gold than the looted gold came to be seized from his shop. Hence, I see no reason to refuse bail to the applicant. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 585 of 2021 registered with Ara Nawada Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of 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/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused 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)

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