

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68573 of 2021

Arising Out of PS. Case No.-1167 Year-2019 Thana- FORBESGANJ District- Araria

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Amit Kumar Sharma @ Amit Kumar @ Amit Sharma, Son of Sri Ram Sharma Resident of Bada Shivalaya Mandir, Station Chowk Forbesganj, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate
For the State : Mr.Binod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-08-2022 Heard Mr. Anil Prasad Singh, learned counsel for the petitioner and Mr. Binod Kumar, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Forbesganj P.S. Case No. 1167 of 2019, for the offence punishable under Sections 392 of the Indian Penal Code.

The allegation against the petitioner is that he along with others entered in the shop of informant and committed robbery of Rs. 50-55 thousand from the cash counter.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. is against unknown and on the basis of his confessional statement recorded while he was in Police



custody in connection with Pratapganj P.S. Case No. 114 of 2020 he has been roped in the present case. Such confessional statement recorded in Police custody has no evidentiary value. He further submitted that similarly situated co-accused Amit Kumar Sharma @ Amit Kumar @ Amit Sharma has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 27.10.2021 passed in Criminal Miscellaneous No. 60561 of 2021. The petitioner is in custody since 18.08.2021.

Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner.

The petitioner is not named in the F.I.R. The petitioner has been roped in the present case on the basis of his confessional statement recorded before the Police authority. The Chargesheet has already been submitted and the trial of the is not likely to be concluded in near future. The petitioner has not been put on T.I.P while he is in custody since 18.08.2021. Prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 1167 of



2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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