

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2291 of 2023

Arising Out of PS. Case No.-357 Year-2021 Thana- RAJNAGAR District- Madhubani

Surendra Sah S/o Jagdev Sah R/o village- Baliya, P.S.- Benipatti, Distt-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Gagan Deo Yadav, learned counsel
appearing on behalf of the petitioner and Mr. Yogendra Kumar,
learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with Rajnagar P.S. Case No. 357 of 2021, registered
for the offences punishable under Section 392 of the Indian
Penal Code.

It is alleged that while the informant was going on his
motorcycle, he was intercepted by two unknown miscreants,
who robbed him and snatched his motorcycle and fled away.

Submission has been made on behalf of the petitioner
that the FIR has been instituted against unknown miscreants,
however, during the course of investigation, the petitioner was
arrested in Rajnagar P.S. Case No. 359 of 2021 and on the basis
of his own confessional statement, he has been made accused in



this case. He further submits that from the impugned order it appears that the recovery has been made on the basis of confession of the petitioner and, as such, for the sake of argument, even if it is taken to be true, then hardly it can be a case under Section 414 of the Indian Penal Code and by no stretch of imagination, Section 392 of the Indian Penal Code would be made out against the petitioner in view of Section 27 of the Indian Evidence Act. He next submits that now the petitioner is in custody since 28.01.2022 and the implication of the petitioner is only on account of his past criminal antecedent as the petitioner is carrying six antecedent over his head.

On the other hand, learned APP for the State opposed the bail application and submits that the recovery of looted motorcycle has been made on the confession of the petitioner and his complicity in the loot cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation is complete and the charge-sheet has been submitted, let the petitioner, abovenamed, 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 A.C.J.M.- Ist, Madhubani, in connection with Rajnagar



P.S. Case No. 357 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

