

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4653 of 2023

Arising Out of PS. Case No.-409 Year-2021 Thana- PHULPARAS District- Madhubani

Saurav Kumar Singh @ Sorabh Kumar Singh @ Saurabh Kumar Singh Son
of Pradeep Singh Resident of Village- Belha, P.S.- Phulparas, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
11.08.2022 in connection with Phulparas P.S. Case No. 409 of
2021, F.I.R. dated 20.10.2021 for the offences punishable under
Section 394 of the Indian Penal Code but the police has
submitted the charge sheet under Sections 395 and 414 of the
Indian Penal Code against the petitioner.

According to prosecution case, a Tata Magic vehicle



loaded with biscuits, tea, cigarettes etc., was looted away by unknown miscreants after assaulting the informant who is the driver of the said vehicle.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Gopal Kumar Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date and till date no T.I.P. has been conducted by the prosecution. He further submits that thereafter, the petitioner has himself confessed about his involvement in the present occurrence. He further submits that except the self confessional statement of the petitioner and the confessional statement of the co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Gopal Kumar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.08.2022 passed in Cr.



Misc. No. 20936 of 2022. The petitioner is in custody since 11.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – II, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No. 409 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.



3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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