

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29078 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- ASARGANJ District- Munger

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SURAJ KUMAR HORIL SINGH RESIDENT OF VILLAGE-
MUZZAFFARGANJ, P.S.- HAVELI, KHARAGPUR, DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2023 The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Asarganj P.S. Case No. 31 of 2021 for the offence registered under Section 395 of the Indian Penal Code inasmuch as all the petitions filed earlier, by the petitioner, for grant of bail have stood rejected.

The case of the prosecution, according to the informant, is that on 09.03.2021, 5-6 miscreants armed with country made pistol had entered into the Gramin Bank, Masumganj Branch, whereafter they had entered into the safe room and on gun point had committed dacoity and decamped with a sum of Rs. 5,44,416/-.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 07.06.2021. It is further submitted that the petitioner has already been granted bail in the related cases i.e. Asarganj P.S. Case No. 32 of 2020, hence recovery from the petitioner to the tune of Rs. 04,08,170/- is not of much significance. The learned counsel for the petitioner has further submitted that this Court by its earlier order dated 03.01.2022 passed in Criminal Misc. No. 33832 of 2022, has granted liberty to the petitioner to renew his prayer for bail immediately upon framing of charge by the learned trial court, whereupon he had approached this Court directly by filing a petition for grant of bail, bearing Criminal Misc. No. 17133 of 2023, however, the petitioner had sought liberty to approach the learned trial court, nonetheless, the learned trial court by the impugned order dated 28.03.2023 has, without any application of mind, rejected the prayer of the petitioner for grant of bail, hence the petitioner is before this Court.



Per contra, though the learned A.P.P. for the State has vehemently opposed the prayer for bail but has not denied the fact that this Court by the aforesaid order dated 03.01.2023, had granted liberty to the petitioner to renew his prayer for bail after framing of the charges which have stood framed on 03.01.2023, hence appropriate order be passed by this Court.

I have heard the learned counsel for the parties and gone thorough the materials on record which depicts a sorry state of affairs inasmuch as the learned trial court has passed the impugned order dated 28.03.2023 mechanically without any application of mind resulting in multiplicity of litigation and burdening of the High Court. Nonetheless, coming back to the merits of the case, this Court finds that since the petitioner has already been granted bail in the related case i.e. Asarganj P.S. Case No. 32 of 2020, apart from the fact that the charges have already stood framed on 03.01.2023, I deem it fit and proper to admit the petitioner to the privilege of bail.



Accordingly, the petitioner, above named, is directed to 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 learned Additional District & Sessions Judge-IV, Munger in connection with S.T. No. 97 of 2022 arising out of Asarganj P.S. Case No. 31 of 2021.

(Mohit Kumar Shah, J)

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