

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34029 of 2023

Arising Out of PS. Case No.-432 Year-2022 Thana- PIRO District- Bhojpur

Suraj Kumar Sah @ Dhupa Kumar @ Dhupa Sah, Son of Sobhnath Sah @
Sobhnath Prasad, R/o-Noaur, P.S.-Sahar, Distt.-Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Piro P.S. Case No.432 of 2022 registered for the offence
punishable under Section 395 of the Indian Penal Code.

The accused/petitioner not named in the FIR and is
in custody since 02.09.2022.

Allegation against the petitioner is to commit
dacoity in a petrol pump along with other co-accused persons
and while committing so, taken away cash of Rs.54,000/- and
mobile phone belongs to informant. It is further alleged that
during the course of occurrence, co-accused persons including
the petitioner damaged the C.C.T.V. cameras installed around
the place of occurrence.



It is submitted by learned counsel that the name of petitioner surfaced in present case during the course of investigation on the basis of C.C.T.V. footage, where no incriminating material recovered/surfaced during the course of investigation as to connect him with present case. It is also submitted that no mandatory certificate under Section 65-B of the Indian Evidence Act was obtained while before submitting the charge-sheet, as implication of the petitioner appears on the basis of electronic evidence. It is pointed out petitioner was not put on Test Identification Parade as yet. It is further submitted that similarly situated co-accused Sonu Kumar has already granted bail by a learned co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No.20373 of 2023. While concluding argument, it is submitted that petitioner found involved in four more criminal cases, where he is on bail and moreover investigation of this case has been completed for which charge-sheet has been submitted and, as such, there is no chances of tampering with the evidence.

Learned APP opposes the prayer for bail of the petitioner.

In view of the above-mentioned facts and circumstances where implication appears to be based upon



C.C.T.V. footage without obtaining a mandatory certificate under Section 65-B of the Indian Evidence Act, where no incriminating material recovered from this petitioner during the course of investigation, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 02.09.2023, accordingly, the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No.432 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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