

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35376 of 2022

Arising Out of PS. Case No.-216 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Abhiranjan Kumar @ Gorkha Son of Ram Pravesh Kunwar Resident of
Village - Shabazpur, Police Station- Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Dalsingsarai P.S. Case No. 216 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant was intercepted by four accused persons including this petitioner and on the point of pistol they snatched the informant's bag

containing four lakh rupees cash, Aadhar Card, Pan Card and his other belongings.

The main submissions advanced by learned counsel Mr. Bijay Bhushan Prasad appearing for the petitioner are that against the petitioner there is no any legal evidence except the statement of co-accused namely, Manish Kumar Chaudhary given before the police in which the petitioner's name surfaced in connection with the alleged crime but the statement is not admissible in the eye of law and after the petitioner's arrest in the present matter he was not put on *Test Identification Parade*, though against the petitioner, there are criminal antecedents of several cases but he has got bail in all the said cases except one case and two co-accused persons namely Sonu Paswan @ Mithilesh Paswan and Gopal Chaudhary @ Gopal Kumar Chaudhary, whose names also surfaced in the confessional statement of co-accused Manish Kumar Chaudhary, have been granted bail by a co-ordinate Bench of this Court vide orders dated 24.03.2022 passed in Cr. Misc. No. 50078/2021 and 26.04.2022 passed in Cr. Misc. No. 67346/2021 respectively.

Learned APP Mr. Mukeshwar Dayal appearing for the State has opposed the bail prayer made by the petitioner.

Heard both the sides and perused the FIR and case diary. Though, the petitioner has criminal antecedents of several cases but during the investigation, the Investigating Officer did not get any cogent material against the petitioner to connect him to the alleged crime and some witnesses only revealed the suspected activity of the petitioner near the place of occurrence but no one claimed to have seen the petitioner committing the alleged crime of loot and the petitioner has been languishing in jail since 25.03.2021 and two similarly situated co-accused persons mentioned-above are on bail and the case of the petitioner is at initial stage and the same is running for the appearance of other co-accused persons. Considering all these facts, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Dalsingsarai P.S. Case No. 216 of 2020, further on this condition that the bail bond of the petitioner will be accepted after framing of charge. If the co-accused persons, whose appearance is required by the concerned Judicial Magistrate for supplying the police paper,

do not appear after exhausting all the legal recourses then the Court below shall take steps to separate the petitioner's case from the other co-accused persons and thereafter proceed to frame the charge against the petitioner as per the procedure code.

(Shailendra Singh, J)

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