

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36370 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- RAFIGANJ District- Aurangabad

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MUKESH SINGH SON OF LATE BALDEV SINGH Resident of village-
Deokali, P.s.- Obra, District- aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 53827 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- RAFIGANJ District- Aurangabad

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AJAY KUMAR SINGH @ AJAY SINGH S/o Late Alakhdeo Singh R/o
village- Dewkali, P.S.- Obra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 36370 of 2022)

For the Petitioner/s : Mr. Pramendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 53827 of 2022)

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-02-2023

CRIMINAL MISCELLANEOUS No.36370 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal
Code.



Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and he is in custody since 12.04.2022.

Learned counsel for the petitioner submits that the informant alleges that four unknown accused persons came and looted cash amounting to Rs. 2,37,265/- from a bank.

Learned counsel for the petitioner submits that the FIR was against unknown and the name of the petitioner transpired in the confessional statement of co-accused Ajay Singh in police custody which does not have any evidentiary value, it is further submitted that the charges have been framed and the petitioner will not abscond rather will cooperate in the trial. It has been further submitted that even during the course of investigation nothing has come connecting the petitioner with the offence except for the confessional statement, as aforesaid. It is also submitted that no recovery of any looted cash was made from the possession or house of the petitioner.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rafiganj P.S. Case No. 110 of 2022.

In the event, if the learned trial court comes to the conclusion that petitioner, after his release, is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds and shall take all coercive steps to ensure that the petitioner is put behind bars.

CRIMINAL MISCELLANEOUS No. 53827 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offences punishable under Sections 392 and 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and he is in custody since 12.04.2022.

Learned counsel for the petitioner submits that the informant alleges that four unknown accused persons came and looted cash amounting to Rs. 2,37,265/- from a bank.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the



FIR was against unknown and he came to be arrested based on the information provided by the spy and thus was made to confess about his participation in the occurrence.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that it was at the instance of the present petitioner that some amount was recovered from the house of accused Sunil Chandravanshi which amply demonstrates that petitioner was in know of the occurrence or might have even participated in the occurrence.

Learned counsel for the petitioner submits that one Mukesh Singh has been granted bail *vide* order dated 03.02.2023 in Cr. Misc. No. 36370 of 2022 and his name also transpired in the confessional statement of present petitioner as such the petitioner be also granted bail.

Learned A.P.P. rebuts the submission of the counsel for the petitioner and submits that the case of Mukesh Singh is different from the case of the present petitioner as the name of Mukesh Singh transpired in the confessional statement of the present petitioner but no amount was recovered from conscious possession of Mukesh Singh or from his house but at the instance of this petitioner, money has been recovered from the house of one Sunil Chandravanshi.



Considering the submissions made by the learned
A.P.P. for the State, the Court, for the present, is not inclined to
release the petitioner on bail.

His prayer for bail is thus rejected.

The application stands dismissed.

(Satyavrat Verma, J)

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