

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49427 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Ajeet Kumar Son Of Tej Narayan Singh Resident Of Village-Lagunia Raghu
Kant, Ps- Samastipur (MUFASSIL), Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 405 of 2022 registered for the offence
under Sections 395 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 23.12.2022.

4. The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons and while
committing so looted cash of Rs. 2,35,757/- (Rupees Two Lac
Thirty-five Thousand Seven Hundred Fifty-seven only) belongs
to informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner implicated falsely with



present case out of confessional statement of co-accused, namely, Vikash Kumar, in furtherance of which no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of dacoity. It is submitted that petitioner was not put on TIP, as yet. It is also submitted that as petitioner found involved in 11 more criminal cases, where he is on bail on 8 cases, petitioner named with present case also, where in maximum of cases, name of this petitioner surfaced on the basis of confessional statement of co-accused, as of present case, having otherwise no bearing over the merit of this case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arises out of confessional statement, nothing incriminating appears during the course of investigation as to connect petitioner, *prima facie*, with present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.12.2022,



accordingly, above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 405 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Rosera, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on



medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

