

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51868 of 2023

Arising Out of PS. Case No.-503 Year-2021 Thana- BANIAPUR District- Saran

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DABLU SINGH @ SUDHANSHU SINGH SON OF DILIP SINGH @
DILIP KUMAR SINGH RESIDENT OF VILLAGE - BHATWALIYA, P.S. -
BANIAPUR, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 19-12-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para 1, 9 and 14 of the bail

petition filed on behalf of the petitioner during the course of the

day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Sessions Trial No. 175 of 2023 arising out of Baniapur P.S. Case
No. 503 of 2021 registered for the offences punishable under
Section 392 of the Indian Penal Code.

4. As per prosecution case, 45 bags of wheat and 7
bags of rice were being carried by the informant in Bolero Pick-
Up van in question. It is further alleged that three persons on a



motorcycle over took the informant and stopped him. They were wearing caps and mofler. One of them pointed pistol and sat on the driving seat. Another miscreants entered the pick up van from left side and drove the said vehicle to *Tilkar* where they made the informant alight and thereafter took him 4-5 km on motorcycle and left him somewhere in *Milky Chaur*. It is alleged that all the accused persons were age group of 20-30 years.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. The name of the petitioner has been transpired in this case during the course of investigation and his confessional statement was taken which has no evidentiary value in the eye of law. Petitioner was remanded in the present case from Baniyapur P.S. Case No. 03 of 2022 on 02.01.2022 and since then he is in custody. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. Except confessional statement of present petitioner, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. Petitioner bears series of criminal antecedent as he has been roped by the police in a case one after another in a routine



manner without any basis. Charge sheet has been submitted against the petitioner and there is no likelihood of tampering with the prosecution evidence. No T.I.P has conducted uptill now.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – IV, Chapra in connection with Session Trial No. 175 of 2023 arising out of Baniyapur P.S. Case No. 503 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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