

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53297 of 2022

Arising Out of PS. Case No.-568 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Pappu Sharma Son of Arjun Sharma Resident of Biru Mistri Lane, Near
Bishari Asthan, P.S.- Barari, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Opposite Party/s : Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks' from today.

Heard Mr. Praveen Kumar, learned counsel

appearing on behalf of the petitioner and Md. Arif, learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody

in connection with Kotwali (Tilkamanjhi) P.S. Case No. 568 of

2021, registered for the offences punishable under Section 395

of the Indian Penal Code.

Allegedly, on 24.05.2021 at 04:30 PM, while the

informant was in her house along with her maid, in the

meantime, five unknown persons entered into her house and



after tying her hands and legs and putting the cello tape on her mouth, looted away her gold and silver jewelleries and cash of Rs. 1,50,000/- on the point of pistol.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been registered against five unknown persons, however, during the course of investigation, the name of the petitioner transpired on the confessional statement of co-accused Sanoj Yadav. He further submits that even as per the confessional statement of co-accused, no incriminating material has been recovered from the person or possession of the petitioner nor he has been put on Test Identification Parade and save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. On query made by this Court as to why the name of the petitioner has been falsely implicated in this case despite the fact that he has absolutely clean antecedent, learned counsel for the petitioner submits at the Bar that since the petitioner works as a local journalist and he raised voice against the local police, which resulted into his implication in the present crime. Lastly, he submits that he is in custody since 01.06.2022 and the charge-sheet has been submitted.

On the other hand, learned counsel for the State



while opposing the bail application submits that the confessional statement of co-accused suggests that the petitioner had actively participated in the crime and also in disposal off the looted articles.

Regard being had to the submissions made on behalf of the parties and considering that name of the petitioner transpired on the basis of confessional statement of co-accused as also there is neither any recovery from the possession of the petitioner nor he has been put on Test Identification Parade coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 568 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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