

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56231 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- DARAUNDA District- Siwan

1. TENI NAT SON OF LATE SHANKAR NAT RESIDENT OF MOHALLA - SENDUAR, POLICE STATION - JANTA BAZAR, DISTRICT - SARAN
2. JAILAR NAT SON OF TUIYAN NAT RESIDENT OF VILLAGE - DAYALPUR, P.S. - JANTA BAZAR, DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Daraunda P.S. Case NO. 28 of 2022 registered under Sections 395 and 397 of the Indian Penal Code lodged on 29.01.2022 by the informant, Shiv Kumar Sha.

The allegation in the FIR is that the accused persons looted the jewellery shop and in the process, injured two persons. Accordingly, the FIR.

It is the case of the petitioner that his name came up in the confessional statement of those apprehended person, nothing has been recovered from his possession. The further submission



is that one of the co-accused namely, Panchan Nut has been granted bail vide order dated 03.08.2022 by a co-ordinate Bench passed in Cr. Misc. No. 23914 of 2023 (Annexure-2 to the petition).

Learned APP opposes the prayer for bail.

Considering the fact that the petitioner's name has come in the confessional statement, nothing incriminating materials has been recovered from his conscious possession, he is in custody since 03.07.2023 (as stated in paragraph-4 of the petition), no Test Identification Parade has been conducted, similarly situate co-accused Panchan Nut has been extended the privilege of bail, as stated above, and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Siwan in connection with Daruanda P.S. Case NO. 28 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

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

