

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56077 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- GUTHANI District- Siwan

Surendra Turha, Son of Ramchandra Turha, Resident of Village - Amarpur,
Police Station - Darauli, District - siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Guthani P.S. Case No. 201 of 2022, registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, fifteen *dacoits* entered into the house of the informant and looted a number of ornaments and cash of Rs.50,000/-. During investigation, the name of the petitioner surfaced as one of the accused persons involved in the crime.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Neither the informant nor any of the witnesses have



identified this petitioner, who was not put to any Test Identification Parade. Without any evidence, the police arrested this petitioner merely on suspicion that he tried to flee away on seeing the police. The name of the petitioner came up in this case in the confessional statement of co-accused Lorik Yadav, but there is no supporting material for implication of this petitioner. Nothing incriminating has been recovered from the possession of this petitioner. The petitioner is in custody since 06.08.2023 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the during investigation the witnesses, in paragraphs 5, 6 and 7 of the case diary, have supported the prosecution case, but he concedes that nothing incriminating has been recovered from this petitioner.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the nature of allegation, period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Guthani P.S. Case No. 201 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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