

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62028 of 2022

Arising Out of PS. Case No.-24 Year-2020 Thana- SINGHESHWAR District- Madhepura

Sudishta Sharma @ Sudishta Kumar @ Sudishta @ Sudish Kumar Sharma
Son of Vasudev Sharma @ Basudeo Sharma R/V- Budhawe, P.S-
Singheshwar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 12-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Singheshwar P.S. Case No. 24 of 2020 dated 22.01.2020 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant alleged that four miscreants looted about Rs. 3,24,500/- from him and his companions on the point of pistol. It is further alleged that these



miscreants were speaking local and hindi language.

The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR and his name surfaced in the confessional statement of co-accused Babul Kumar @ Boijee, who has been granted bail by a co-ordinate Bench of this Court vide order dated 08.01.2021 passed in Cr. Misc. No. 34287/2020 and after the petitioner's arrest the police failed to recover any part of the looted money from the possession of this petitioner and even the petitioner was not put on *Test Identification Parade*.

Learned APP appearing for the State has opposed the bail prayer.

Considering the above submissions and mainly the facts that the co-accused Babul Kumar @ Boijee who revealed the name of this petitioner, has been granted bail by a co-ordinate Bench of this Court, though during the investigation some witnesses claimed to have seen the petitioner and co-accused persons committing the alleged occurrence of loot but the petitioner was not put on *Test Identification Parade* despite the informant having claimed in the FIR, to be able to identify the accused persons and after the petitioner's arrest the police failed to recover any part of the looted money from his



possession and against the petitioner the investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Singheshwar P.S. Case No. 24 of 2020, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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