

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62503 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- SINGHESHWAR District- Madhepura

Sudishta Sharma @ Sudishta @ Sudish Kumar Sharma @ Sudishta Kumar
S/o Vasudev Sharma @ Basudeo Sharma R/o Village- Budhawe, P.S.-
Singheshwar, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.06.2022 in connection with Singheshwar P.S. Case No. 16 of
2020, F.I.R. dated 15.01.2020 for the offences punishable under
Section 392 of the Indian Penal Code.

Allegation is of looting money from the informant by
the five named persons along with unknown criminal who even
assaulted Abdul Rashid on his forehead by butt of the pistol.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of confessional statement of co-accused and self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the confessional statement of co-accused and self confessional statement of the petitioner no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Babul Kumar @ Boljee has been granted bail by a co-ordinate Bench of this Court vide order dated 12.11.2020 passed in Cr. Misc. No. 25388 of 2020 and another co-accused namely, Santosh Yadav has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 24.01.2022 passed in Cr. Misc. No. 34724 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twelve criminal antecedents



other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 16 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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