

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66564 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- SABAUR District- Bhagalpur

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Pritam Sharma @ Roushan @ Roshan, S/o Murlidhar Sharma, R/o Mohalla-
Naya Tola, Ishakchak, Pasi Tola, P.S- Ishakchak, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 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. Ravi Prakash Dwivedi, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sabour P.S. Case No.195 of 2022, giving rise to
S.T. No. 654 of 2022, registered for the offences punishable
under Section 379 of the Indian Penal Code. Later on, Sections
395 and 412 of the Indian Penal Code.

It is alleged that while the informant, who happens to
be the driver of the Pick-up Van, was proceeded towards
Bhagalpur, in the meantime, eight persons riding on four
motorcycles, overtook the Pick-up van and looted cash of



Rs.10,000/- and other valuables, including one mobile kept in the Pick-up van.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been registered against eight unknown persons and during the course of investigation the name of the petitioner surfaced on the confessional statement of co-accused Sourav Kumar and save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. He further submits that the petitioner is neither the owner of the alleged motorcycles, which are said to have been used in the commission of crime nor any looted articles have been recovered from his possession. He next submits that though the petitioner is in custody since 02.06.2022, but till date he has not been put on Test Identification Parade and now the charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is found involved in identical nature of crime.

At this juncture, learned counsel for the petitioner submits that the previous case is of the year 2019 and the petitioner is on bail.



Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his possession and save and except the confessional statement of co-accused person, there is no other material against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XV, Bhagalpur in connection with Sabour P.S. Case No.195 of 2022, giving rise to S.T. No. 654 of 2022, 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.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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