

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13569 of 2023

Arising Out of PS. Case No.-225 Year-2021 Thana- RAGHUNATHPUR District- Siwan

Raju Kumar Son of Hiralal Prasad @ Hiralal Resident of Village- Bishunpura
Darge Chak, P.S.- Bankatta, District- Deoria (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar App, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel appearing on behalf of
the petitioner submitted that defects, as pointed out, is of such
nature which can be removed during the course of day itself.

Request allowed.

Let defect(s), as pointed out, be removed during the
course of day itself.

Learned counsel for the petitioner supplied a copy of
supplementary affidavit to the learned APP in terms of defect(s) as
pointed out by office, during the course of hearing.

The petitioner seeks bail in connection with



Raghunathpur P.S. Case No. 225 of 2021 registered for the offence under Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 17.05.2022.

The allegation against the petitioner is to commit dacoity alongwith other co-accused persons in a jewelry shop, namely, M/s. Jyoti Alankar Jewelers and while committing so taken away jewelry made up of gold total of 1.179 kg, jewelry made up of silver total of 5.25 kg and Rs. 75,000/- (Rupees Seventy-five Thousand only) cash.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in F.I.R. and his name surfaced, during the course of investigation, on the basis of confessional statement of co-accused, namely, Vicky Kumar, in furtherance of which no incriminating material recovered/surfaced so as to connect petitioner, *prima facie*, with present occurrence of dacoity. It is submitted that implication of petitioner is also, out of suspicion, arises from his criminal antecedents as he found involved in eight more criminal cases, where he is on bail and in maximum of these cases, his name surfaced on the basis of confessional statement of co-accused as of present case. It is submitted that petitioner was not put on



TIP, as yet. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as no incriminating material recovered/surfaced during the course of investigation from petitioner, which may connect petitioner, *prima facie*, with present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.05.2022, accordingly, above named petitioner is directed to be released on bail in connection with Raghunathpur P.S. Case No. 225 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial,



failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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