

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8376 of 2024

Arising Out of PS. Case No.-134 Year-2022 Thana- SARAI RANJAN District- Samastipur

DHARMENDRA RAI @ DHARMENDRA KUMAR RAY S/O MAHESH
RAY R/O VILLAGE- JITWARPUR KUMHIRA, P.S- SARAIRANJAN,
DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-02-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with Sarairanjan P.S. Case No. 134 of 2022 dated 26.05.2022 registered for the offence(s) punishable under Section(s) 392 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the FIR was registered against unknown, during investigation the name of the petitioner surfaced in the statement of co-accused Devendra Kumar Sharma alias Nanhki given before the police which has no evidentiary value and no incriminating article or any part of the looted articles was recovered from the possession of this



petitioner after he was taken into custody, accordingly, there is no any legal evidence against the petitioner to connect him to the alleged crime and the petitioner has been languishing in jail since 16.05.2023. Further submissions are that the petitioner was not put on Test Identification Parade and his bail prayer was rejected by the trial court merely on account of his criminal antecedents. Further submission is that co-accused Gautam Kumar carrying almost similar nature of allegation, has been granted bail by a co-ordinate bench of this Court vide order dated 06.12.2023 passed in Cr. Misc. No. 78234 of 2023.

4. Though learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that there is no material against this petitioner except his criminal antecedents and confessional statement of the co-accused made before the police.

5. Considering above submissions and mainly the facts that in respect of petitioner's involvement in the alleged crime of loot, the prosecution is merely relying upon the confessional statement of co-accused given before the police and against the petitioner, investigation has been completed and he has been languishing in jail since 16.05.2023 and the prosecution has not brought any material before this Court to



show recovery of any incriminating or looted material after he was taken into custody, in my opinion, in the said circumstances, the petitioner deserves to be released on bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Sarairanjan P.S. Case No. 134 of 2022 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.

(Shailendra Singh, J)

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