

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17337 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Shubham Singh @ Subham Singh, Male, aged about 28 years, Son of Vidhi Narayan Singh, Resident of Village - Khochwa @ Khochawan, P.S. - Bhainsa, District- Varanasi, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Musrigharari PS Case No. 03 of 2023 instituted for the offences punishable under Section 395 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant after closing his jewellery shop was returning home, then on the point of pistol ornaments worth Rs. 10,00,000/- was looted. In course of resistance, they also opened fire and the empty/live cartridges were present at the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has



falsely been implicated in this case merely on the basis of mere suspicion. Nothing incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is not named in the FIR and his name surfaced from the confessional statement of co-accused Rahul Kumar. Petitioner is in custody since 02.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Samastipur dated 24.01.2024, it appears that petitioner is not named in the FIR and his name surfaced in this case on the basis of confessional statement of Co-accused Rahul Kumar. There is no any independent witness of the seizure list. Similarly situated co-accused person namely Rishi Ray has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 53538 of 2023 vide order dated 23.08.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Musrigharari PS Case No. 03 of 2023, subject to the following conditions:-



(i) One of the bailor should be the family members of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance.

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offences again failing which the State shall be a liberty to take steps for cancellation of the bail bonds.

(Ramesh Chand Malviya, J)

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