

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18980 of 2024

Arising Out of PS. Case No.-64 Year-2019 Thana- DEWARIA District- Muzaffarpur

Brij Kishore @ Brij Kishore Kumar @ B.D. S/o Vinay Kumar Gupta @
Vinay Babu Sah R/o Vill - Dharphari, P.S. - Dwaria, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv.

For the Opposite Party/s : Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-04-2024 Heard Mr. Ratneshwar Prasad, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is made accused and put behind bars in connection with Deoria P.S. Case No. 64 of 2019 (S.Tr. No. 369 of 2021) registered for the offences punishable under Sections 356/382 of the Indian Penal Code.

3. Allegedly, while the informant was coming from his shop, keeping the gold and silver jewellery in his bag, in the meantime, 5-6 miscreants overtook the vehicle of the informant and on the point of pistol snatched the bag containing gold and silver jewellery.

4. Submission has been made on behalf of the petitioner that the FIR has been instituted against the unknown miscreants, however, during the course of investigation one



Anand Kumar was apprehended by the police and only on his confessional statement, the name of the petitioner has sprung up. Save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the crime. Moreover neither the petitioner has been put on Test Identification Parade (TIP) nor any incriminating material has been recovered from his person or possession. It is the further submission on behalf of the petitioner that co-accused person, on whose confession the name of the petitioner has transpired, he has been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 75099 of 2019 vide order dated 25.11.2019. The petitioner has been remanded in this case on 17.03.2020. At this stage, he further submits that in fact the reason behind his incarceration and false implication is his involvement in four other criminal cases as has been mentioned in paragraph-3 of the application.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is based on the confessional statement of co-accused



person, who has already been allowed the privilege of bail, apart from the fact that the petitioner is in incarceration since 17.03.2020, let the petitioner, abovenamed, 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 5th, Muzaffarpur in connection with Deoria P.S. Case No. 64 of 2019 (S.Tr. No. 369 of 2021), subject to the condition that one of the bailors shall be the own/close family members 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.

(Harish Kumar, J)

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