

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48606 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- BAHERI District- Darbhanga

Raushan Kumar @ Rana @ Gandhraw Kumar Chaudhary S/o Late Ajay Chaudhary @ Ajay Kumar Chaudhary R/o Village-Fatiha P.S.-Bachchwara District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate for the petitioner and the learned APP for the State.

2. Application for grant of bail to the petitioner, who is in custody in connection with Baheri P.S. Case No.367 of 2023 registered for the offence punishable under Section 392 of the Indian Penal Code and later on Section 411 of the Indian Penal Code was added.

3. The informant is alleged to be Accountant in Belstar Micro Finance Limited and while he was in his office, in the meantime two miscreants came there and on point of pistol looted Rs.2,47,340/- and succeeded in fleeing away on their motorcycle.

4. Learned Advocate for the petitioner contended that



the FIR has been instituted against unknown miscreants, however, during the course of the investigation co-accused Tripurari Jha was apprehended and the name of the petitioner surfaced on his confessional statement. Save and except the confessional statement, there is no other material suggesting the complicity of the petitioner in the crime. It is also contended that on the basis of the confessional statement as noted above, the petitioner was apprehended and it has been found that the tower location of the mobile of the petitioner was also found near the place of occurrence. Irrespective of the aforementioned facts, the petitioner has neither been put on test identification parade nor any incriminating material has been recovered from his possession. Moreover, the petitioner has been incarcerated since 30.01.2024. It is lastly contended that the implication of the name of the petitioner is only on account of his past criminal antecedent as has been disclosed in Paragraph No.3.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the petitioner is carrying six criminal antecedent over his head and 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 entire case



is based on the confessional statement, as well as, CDR location, however, till date the petitioner has not been put on test identification parade and now the petitioner has been incarcerated since 30.01.2024; the investigation of the crime is complete and the charge-sheet has been submitted 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 A.C.J.M. 7th at Darbhanga in connection with Baheri P.S. Case No.367 of 2023, 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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