

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48021 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Kush Kumar Singh S/O Rajdeo Singh R/O Village-Karmahi,P.S.-Rajpur,Distt-
Rohtas,Sasaram(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Mr. Jai Prakash Singh, 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 Durgawati P.S. Case No.114 of 2024 registered for the offence punishable under Sections 409, 420/182 of the Indian Penal Code.

3. Based upon the confessional statement of the petitioner, who happens to be the informant of Durgawati P.S. Case No.102 of 2024 instituted for an offence with regard to loot, the police conducted raid in the house of the petitioner and from where a cash amount of Rs.1,50,700/- was recovered which is said to be the subject matter of the crime. It is also alleged that on his confessional statement of the petitioner, one tab, biometric machine and a bag were also recovered.



4. There is total denial of the recovery from the house of the petitioner. Learned Advocate for the petitioner contended that in fact, earlier the petitioner has instituted Durgawati P.S. Case No. 102 of 2024 when he was subjected to loot by unknown miscreants, however, during the course of investigation, the police instead of apprehending the real culprits, made the petitioner as an accused and the recovery has been shown from the house of the petitioner. So far the recovery of the cash amount to the tune of Rs.1,50,700/- is concerned, the same was not the subject matter of the crime nor it has been put to test identification parade so that the owner of the finance company can ascertain this fact. It is next contended that be that as it may, the present FIR has been instituted under Sections 409, 420/182 of the Indian Penal Code which are triable by the Magistrate and now the petitioner has been incarcerated since 02.05.2024; the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that *prima facie* from the materials available on record, the petitioner appears to be involved in the crime by filing a false case of loot of the valuables.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime, in question, is triable by the Magistrate, moreover, the investigation of the crime is complete and the charge-sheet has been submitted coupled with the fair antecedent of the petitioner, 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 CJM, Kaimur at Bhabhua in connection with Durgawati P.S. Case No.114 of 2024, 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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