

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48631 of 2024

Arising Out of PS. Case No.-793 Year-2020 Thana- MADHAURAH District- Saran

Dablu Singh @ Sudhanshu Singh S/O Dilip Singh @ Dilip Kumar Singh R/O
Village- Bhatwaliya, P.S.- Baniapur, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Session Trial No. 142 of 2023, arising out of Madhora Gaura O.P. P.S. Case No. 793 of 2023, registered for the offence punishable under Sections 395/34 of the Indian Penal Code. Later on, Section 412 of the Indian Penal Code has been added.

3. Allegedly, on 08.09.2021, while the informant was going along with his tractor loaded with sand, two persons came and purchased the sand and asked him that the tractor will be unloaded in Narharpur Village by assuring to give Rs. 9,500/-. When they reached near Narharpur, one Scorpio overtook the



said tractor and three persons along with the driver brought him near the said vehicle and threatened him on the point of *Katta*. It is further alleged that all of them wore mask and two persons fled away with his tractor with loaded sand.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner has sprung up on the confessional statement of co-accused and thereafter, his confession was also recorded in this case. It is further alleged that the tractor, in question, was recovered from the door of *Madan Singh*, with whom the petitioner has no concern. It is next contended that in fact on account of long list of criminal antecedent, as mentioned in paragraph no. 3 of the bail application, the name of the petitioner has been implicated in this case. Co-accused person, having identical allegation, has been allowed bail by this Court in Cr. Misc. No. 45844 of 2021 vide order dated 11.05.2024. The petitioner has been incarcerated since 08.04.2022.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears twelve criminal antecedent over his head and, as such, it speaks loud about the involvement of the petitioner in



such kind of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based upon suspicion. It is made clear that mere antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period. Moreover, co-accused person, having identical allegation, has been allowed the privilege of regular bail by this Court, coupled with the period of custody, 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 IX Additional Sessions Judge, Saran at Chapra in connection with Session Trial No. 142 of 2023, arising out of Madhora Gaura O.P. P.S. Case No. 793 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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