

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48694 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Saurav Kumar @ Saurav Yadav, Son of Sanjay Yadav @ Saroj Rai @ Sanoj Kumar, Resident of village - Kasimpur, Police Station - Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kusheshwar Asthan (K. Asthan) P.S. Case No. 349 of 2023 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. While the informant, who happens to be operator of CSP Centre of Punjab National Bank was coming to his home on a bike after withdrawing Rs. 2,35,000/-, he was intercepted by the miscreants and they tried to snatch his bag containing cash. On protest, the miscreants assaulted him due to which he sustained injury and thereafter they looted away his cash.

4. Learned counsel for the petitioner contended that



the FIR has been instituted against unknown miscreants. However, the name of the petitioner has sprung up on the confessional statement of one Kailash Roy @ Kaila. Barring the confessional statement, there is no material suggesting complicity of the petitioner in the present crime. Neither the petitioner has been put on T.I. parade nor any incriminating material has been recovered, though the petitioner has been incarcerated since 16.12.2023. It is next contended that now the investigation of the crime is complete and the charge-sheet has been submitted. The confessional statement, which is the very basis of implication of the petitioner has no evidentiary value in the eyes of law.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the other co-accused persons were apprehended from whose possession some looted cash amount have also been recovered, who have disclosed the name of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that till date the petitioner has not been put on T.I. parade and save and except confessional statement, there is no material, let the petitioner, named above,



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 learned 1st Additional Sessions Judge, Benipur, Darbhanga in connection with Kusheshwar Asthan (K. Asthan) P.S. Case No. 349 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.

(Harish Kumar, J)

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