

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50626 of 2024

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

-
-
1. Bishnu Sah @ Bishnu Kumar Sah S/O Laxman Sah Resident Of Village-
Rampur Raut, Police Station- Kusheshwar Asthan, District- Darbhanga.
 2. Rajesh Kumar Lal @ Rakesh Kumar Lal S/O Om Prakash Lal Resident Of
Village- Rampur Raut, Police Station- Kusheshwar Asthan, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 04-10-2024 Heard the learned Advocate for the petitioners and the
learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Sessions Trial No. 45 of 2024, arising out of Kushehswar 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, who 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 petitioners contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioners have sprung up on the confessional statement of co-accused *Dilshad @ Chhotu*. On the aforementioned confessional statement, the petitioners were apprehended and after recording their confession, cash amount of Rs. 5,000/- from the possession of the petitioner no. 1 and Rs. 4,500/- from the petitioner no. 2 were recovered. Learned Advocate for the petitioners thus, contended that the amount (which have been recovered from the possession of the petitioners) are not the subject matter of the crime. Neither the petitioners have been put on Test Identification Parade nor the cash, in question. The entire case against the petitioners is based upon the confessional statement; moreover, the cash amount, which is said to have been recovered from the possession of the petitioners are their own money. It is next contended that co-accused person, against whom there is similar allegation, he has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 48694 of 2024, the copy of which has been placed in record. It is lastly contended that now the petitioners have been incarcerated since 23.11.2023.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner no. 1 bears three criminal antecedent whereas, petitioner no. 2 bears one criminal antecedent, as has been mentioned in paragraph no. 3, which speaks their involvement in similar nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of investigation, it has not come whether the amount which has been recovered from the possession of the petitioners are subject matter of the crime, neither the petitioners have been put on Test Identification Parade nor the cash, in question, and they have been incarcerated for about an year, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Benipur, Darbhanga in connection with Sessions Trial No. 45 of 2024, arising out of Kushehswar 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 petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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)

shivank/-

U		T	
---	--	---	--

