

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56350 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- SARAI RANJAN District- Samastipur

Mohan Mistri Son of Hariwansh Rai, R/o Village- Chak Shikandar, PS-
Tajpur, Dist- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Sunil Kumar Singh, the learned counsel

for the petitioner and Mr. Gulnar Begum, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

01.08.2023, in connection with S.T. No. 131 of 2024, arising out

of Sarai Ranjan P.S. Case No. 166 of 2023, FIR dated 26.05.2023,

registered for the offence punishable under Section 392 of the

Indian Penal Code.

3. According to the prosecution case, four co-accused

persons looted Rs. 1,70,000/- (Rupees one lakh and seventy

thousand only) from the cabin of petrol pump and Rs. 4000/-

(Rupees four thousand only) each from two nozzle men.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case. He

further submits that petitioner is not named in the FIR and name of

the petitioner transpired on the basis of confessional statement of



the co-accused person namely, Nishant Kumar Sahani @ Guddu Sahni and except the aforesaid, no other cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade has been conducted by the prosecution. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner on 23.10.2023 and the petitioner is in custody since 01.08.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one, however, he fairly admits that the petitioner is on bail in one case.

6. Considering the aforesaid facts and circumstances and mainly the facts that nothing has been recovered from the conscious possession of the petitioner and except the confessional statement of co-accused person, no cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount



each to the satisfaction of the learned Additional Sessions Judge-I, Samastipur, in connection with **Sarai Ranjan P.S. Case No. 166 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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