

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50542 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- SINGHWARA District- Darbhanga

Anand Kumar @ Anand Thakur Son of Late Ranjeet Thakur @ Ranjit Thakur
R/O Vill.- Brahampur, P.s.- Kamtaul, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-10-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Singhwara P.S. Case No. 227 of 2023 registered for the
offence under Section 394 of the I.P.C.

3. The petitioner not named in the F.I.R. and is
in custody since 12.12.2023.

4. The allegation against the petitioner is to
commit robbery along with other co-accused persons and
while committing so looted case of Rs. 15,000/- along
with one Samsung Tab and purse containing Rs. 2,000/-
belonging to informant.

5. Learned counsel appearing on behalf of the



petitioner submitted that name of petitioner transpired in present case on the basis of CCTV footage as he along with other co-accused persons found roaming in nearby area of the occurrence. It is submitted that the face of accused person was not visible as it was masked but on instance of unknown co-villagers, he along with other co-accused persons was identified. It is submitted that the recovered currency note of Rs. 13,150/- cannot be said looted money in want of any details and denomination and moreover, Samsung Tab which alleged to be recovered from the joint house of petitioner also not appears connected with Samsung Tab of the informant which was alleged to be looted during the occurrence, in want of any specification. The said tab was also not put on TIP during investigation as to connect petitioner *prima-facie* with present occurrence. While concluding the argument, it is submitted that investigation of this case is already completed, and as such there is no chance of tampering with the evidence. It is pointed out



that in present case, charge-sheet was submitted without compliance of Section 65B of Indian Evidence Act as the electronic evidence collected out of CCTV footage was secondary electronic evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission as alleged recovered Tab and cash not appears connected *prima-facie* with petitioner where recovery of cash and tab was admittedly made from joint house of the petitioner occupied by different adult family members, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 12.12.2023, accordingly petitioner above named, is directed to be released on bail in connection with Singhwara P.S. Case No. 227 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IV, Darbhanga/concerned court, subject to the conditions as mentioned under Section



437(3) of the Cr.P.C/ Section 480(3) of BNSS, subject
to further condition:-

- "(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents."

(Chandra Shekhar Jha, J)

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