

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52953 of 2024

Arising Out of PS. Case No.-71 Year-2019 Thana- PUNAURA District- Sitamarhi

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Dabla Raut @ Dabloo, Son of Chhote Mestar @ Chhote Raut, Resident of
Village - Ring Bandh Mirchaipatti @ Ward No. 5, Janki Asthan Chakmahila,
P.S. - Sitamarhi, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 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 Punaaura P.S. Case No. 71 of 2019 registered
for the offences punishable under Sections 456 and 392 read
with 34 of the Indian Penal Code.

3. Allegedly, while the informant reached at Ghora
Bazar along with other villagers, in the meantime, some of the
miscreants armed with country made pistol and knife
surrounded them and snatched their mobile, other valuables and
cash. The informant identified one of the miscreants, namely,



Rohit Kumar.

4. Learned counsel for the petitioner contended that, in fact, the FIR has been instituted against co-accused Rohit Kumar and some unknown persons. However, during the course of investigation, the name of the petitioner has transpired in the confessional statement of co-accused Rohit Kumar and barring this, there is no other material. It is further contended that neither the petitioner has been identified by the informant or any villager nor he has been put on T.I. parade. That apart, there is no recovery from the person or possession of the petitioner. It is next contended that the petitioner has been implicated in the present case because of his past criminal antecedent as he is carrying eleven criminal cases over his head. Now the petitioner has been incarcerated since 23.01.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that involvement of the petitioner in number of cases clearly shows that he is a member of big syndicate, which are indulged in committing robbery and identical crime. Release of the petitioner would certainly embolden him and other criminals.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case



is based upon the confessional statement and neither the petitioner has been identified by the informant or any of the villager nor any incriminating material has been recovered, moreover mere criminal antecedent of the person cannot be a ground to keep him behind the custody for an indefinite period and the investigation of the crime is complete, 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 Judicial Magistrate 1st Class, Sitamarhi/Competent Jurisdiction in connection with Punaura P.S. Case No. 71 of 2019, 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 shall mark his attendance in the local police station on the first week of every month till one year.

(ii) He will cooperate in conclusion of the trial.

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

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) 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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