

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52987 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Kamlesh Singh son of Late Raj Bansh Singh Village -Chatara PS- Kochas
Dist -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Sasaram (Muffasil) P.S. Case No. 255 of 2024, registered for the offence punishable under Section 392 of the Indian Penal Code and later on Sections 395 and 412 of the Indian Penal Code was added.

3. Allegedly, while the informant was standing in railway parking along with his *tempo*, in the meantime, three persons came there and requested to go to village *Dhuwan*. In the way, the persons who were seated in the *tempo* asked him to stop the *tempo* on the point of pistol and after tiding the hand get him off from the *tempo* and looted away his mobile and *tempo*.



4. Learned Advocate for the petitioner contended that the FIR has instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Mukesh Kumar and barring the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. It is further contended that later on the *tempo* has been recovered from the possession of co-accused Om Prakash. Though the impugned order suggest the a mobile phone has been recovered from the possession of the petitioner, but the fact is that the said mobile is not subject matter of crime rather the mobile belongs to the petitioner. It is further contended that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered. Now the petitioner is in custody since 12.06.2024, having absolutely fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case in hand is based on confessional statement; moreover, neither there is any recovery nor the petitioner has been put on Test



Identification Parade till date, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 255 of 2024, 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.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. 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)

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