

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52965 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

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Suraj Kumar Son of Late Jitendra Bind @ Jitendra Kumar R/O Vill.- Bind
Toli, P.S.- Ara Town, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Singh, Advocate

For the Opposite Party/s : Mr. M K Nirala, APP

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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 Ara Muffasil P.S. Case No. 112 of 2024,
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. While the informant was going to the market on his
motorcycle, in the meantime, four persons riding on two
motorcycles intercepted him and on the point of pistol snatched
the valuables as well as Rs. 20,000/- cash. It is also alleged that
when the informant resisted the loot, all the accused persons
assaulted him.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants.



However, during the course of investigation, on suspicion, the petitioner was apprehended and thereupon, the confessional statement of the petitioner was recorded by the police which is hit by Sections 25 and 26 of the Indian Evidence Act is the submission of the learned Advocate for the petitioner. It is further contended that now the petitioner is in custody since 12.04.2024 and despite the completion of the investigation and submission of the charge-sheet till date, the petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered. Barring the confessional statement of the petitioner, there is no material showing the complicity of the petitioner. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended by the police on suspicion.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the present case is based upon the self-confession of the petitioner. Moreover, neither the petitioner has been put on Test



Identification Parade nor there is recovery of any incriminating material, coupled with the fact that the investigation of the crime is complete and the petitioner has absolutely clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 112 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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