

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55587 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- RAJNAGAR District- Madhubani

Raja Sharma @ Raja Babu Sharma son of Binod Sharma Village- Dadha Ps-
Khajauli Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 29-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Rajnagar P.S. Case No. 58 of 2024 instituted for the offences
under Section 394 of the Indian Penal Code and Section 25(1-b)
(a), 26 & 35 of the Arms Act.

3. As per prosecution case, three motorcycle-borne
accused persons stopped the motorcycle of the Informant, who
is a Operator of the CSP of SBI situated at *Chichri Chawk* and
snatched a black colored bag from him containing Rs.
5,56,000/- along with *Aadhar* Card, Driving License and
Insurance papers. It is also alleged that one of the accused
persons hit on the head of the Informant by butt of the pistol due



to which he sustained injuries on his head and blood started to ooze out. After snatching the bag, all the accused persons fled away from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation and, only on the basis of suspicion, the police arrested the petitioner and took his signature on blank paper and the same was converted into his confessional statement. No Test Identification Parade has been conducted in this case. He further submits that nothing incriminating or looted article has been recovered from the conscious possession of the petitioner or from his house. Save and except confessional statement, there is nothing against the petitioner to show his complicity in the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents and is



languishing in judicial custody since 18.05.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the police has recovered *Aadhar* Card and Driving License of the Informant from the house of the petitioner which itself shows the complicity of the petitioner in the alleged occurrence. In Para-111 of the case diary, the petitioner himself has admitted his guilt of being involved in the alleged offence. The petitioner has also five criminal antecedents. Offence alleged is serious in nature and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Rajnagar P.S. Case No. 58 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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