

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56752 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- LARJHAGHAT District- Samastipur

Shivam Kumar @ Shibna Son of Omprakash Yadav @ Butan Yadav R/V-
VILLAGE- BAKHARI, P.S.- BITHAN, DISTT.- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned Counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Larjhghat P.S. Case No. 12 of 2024, registered for the alleged offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, two miscreants on a bike dashed their motorcycle with the motorcycle of the informant and at gun point, took away Rs. 1 lakh, mobile phone and keys of bike from the informant. The name of the petitioner transpired during investigation of being involved in the robbery.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Nothing incriminating has been



recovered from the conscious possession of this petitioner. The confessional statement of petitioner was forcibly taken by the police which has got no legal sanctity. The articles shown to be seized from the petitioner are Rs. 6,000/- in cash, bag and the motorcycle. But none of them is connected to any offence as the motorcycle belongs to the father of the petitioner and bag and Rs. 6,000/- cash are common place in households. Initially, the case was lodged under Section 392 of the Indian Penal Code and subsequently at the behest of the police, Section 411 of the Indian Penal Code was incorporated but the same is not applicable in the facts and circumstances. Learned Counsel for the petitioner further submits that the petitioner is aged about 19 years and has got no criminal antecedent. Petitioner is in custody since 24.03.2024 and charge-sheet has been submitted.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner and vehemently submits that the looted cash of Rs. 6,000/- was recovered from the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering his clean antecedent, submission of charge sheet and period of custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Rosera, Samastipur, in connection with Larjhaghat P.S. Case No. 12 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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