

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57429 of 2024

Arising Out of PS. Case No.-656 Year-2023 Thana- DARIYAPUR District- Saran

Saurabh Kumar @ Saurabh Singh Son of Akhilesh Kumar Singh @ Nalini Kumar Singh Resident of Vill and P.S.- Bheldi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 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 Dariyapur P.S. Case No. 656 of 2023, registered for the offence punishable under Section 392 of the Indian Penal Code.

3. While the informant was coming to his house after closing his shop, in the meantime, three persons who were coming on a motorcycle overtook the informant and on the point of pistol snatched the bag containing ten mobiles and other articles.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the petitioner has



been remanded in this case on 13.02.2024 from Parsa P.S. Case No. 25 of 2024 and thereafter, his confessional statement was recorded before the police implicating his name in the present case. The confessional statement before the police is hit by Sections 25/26 of the Indian Evidence Act is the contention of the learned Advocate. It is next contended that only because of the past criminal antecedent, the name of the petitioner is being implicated in identical nature of cases, which smacks *mala fide* on the part of the police personnel. Neither the petitioner has been put on Test Identification Parade nor any incriminating materials has been recovered from his possession.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that altogether 18 cases are there to the credit of the petitioner and, as such, he appears to be a habitual offender indulged in such criminal activities.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of the custody of the petitioner, coupled with the fact that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered. Moreover, mere criminal antecedent of a person cannot be a sole ground to keep the



petitioner behind the bar for an indefinite period. The allegation levelled in the FIR and the materials collected during the course of investigation is also relevant for consideration of the bail, 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 Judicial Magistrate 1st Class, Chapra in connection with Dariyapur P.S. Case No. 656 of 2023, 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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