

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56344 of 2024

Arising Out of PS. Case No.-47 Year-2021 Thana- BISHUNPUR District- Darbhanga

Daresh Singh Son of Baudhi Singh R/V- VILLAGE- AMBHO, P.S.-
KHARIK, DISTT.- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2024 Heard the parties.

2. Petitioner seeks regular bail in connection with Bishunpur P.S. Case No. 47/ 2021 dated 06.06.2021 registered for the offence(s) punishable under Section(s) 395, 412 of the I.P.C.

3. Mr. Kumar Praveen, learned counsel for the petitioner submits that as per the F.I.R., some unknown persons in the age group of 20-25 are alleged to have committed the alleged dacoity but the petitioner is 54 years old and in view of this difference of the age of the petitioner and main accused persons, the petitioner can be deemed to be innocent completely. It is further submitted that in respect of the petitioner's involvement in the alleged crime the prosecution is mainly relying upon the confessional statement of the co-accused, Md. Nazim and Mukhtar Ali who simply revealed that the petitioner helped in disposing of the looted articles and except this there is no allegation against him and he is



not said by the co-accused to be involved in the alleged commission of dacoity. It is further submitted that co-accused, Nazim @ Rashid who is alleged to be involved in the offence of dacoity has been granted bail by a co-ordinate Bench of this court vide order dated 13.04.2022 passed in Cr. Misc. No. 66188 of 2021 and against this petitioner investigation has been completed and he was not put on Test Identification Parade after he was taken into custody and he has been made accused in this case merely on the basis of confessional statements of co-accused persons.

4. While opposing the prayer for bail, Mr. Nand Kishore Prasad, learned APP appearing for the State submits that as per confessional statement of co-accused Yamin and Nazim the petitioner actively helped other accused persons in disposing of the looted articles and on the basis of confessional statement of said co-accused persons alleged looted articles were recovered from a particular godown. It is further submitted that against this petitioner there are criminal antecedents of four cases.

5. Having regard to the above submissions and mainly considering the facts that in respect of the petitioner's involvement in the alleged crime of dacoity the prosecution is mainly relying upon the confessional statements of above mentioned accused persons and the petitioner's age is not matching with the age group of the accused who were alleged to be involved in the commission



of dacoity as per F.I.R. and also completion of investigation against this petitioner and his plea that he was not put on Test Identification Parade after he was taken into custody by the police and coupled with the fact that one co-accused, Nazim @ Rashid on whose confessional statement petitioner has been made accused in this case has already been granted bail by a co-ordinate Bench of this court vide order dated 13.04.2022 passed in Cr. Misc. No. 66188 of 2021, in my opinion, in the said circumstances the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Bishunpur P.S. Case No. 47 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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