

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63560 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Raju Kumar Son of Late Haridwar Singh R/o Village- Chitaini, P.S. Kochas
(Parshathua), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 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 Sasaram (M) P.S. Case No. 255 of 2024,
registered for the offence punishable under Section 392, 395 and
412 of the Indian Penal Code.

3. Based upon the written report, it is alleged that
while the informant was standing in railway parking along with
his *tempo*, in the meantime, three persons came there and
requested to go to village *Dhuwan*. In the way, the persons who
were seated in the *tempo* asked him to stop the *tempo* on the
point of pistol and after tiding the hand get him off from the
tempo and looted away his mobile and *tempo*.

4. Learned Advocate for the petitioner contended that



the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused person. Barring the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. It is further contended that the looted tempo has been recovered from the possession of co-accused Om Prakash Kumar, who has already accorded the privilege of regular bail by this Court in Cr. Misc. No. 62398 of 2024. Drawing the attention of this Court to Annexure-P/2, learned Advocate further urged that other co-accused person, having identical allegation whose name also transpired on the confessional statement, has been allowed the privilege of bail in Cr. Misc. No. 52987 of 2024 vide order dated 07.08.2024. The petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered from his possession and now the petitioner has been incarcerated since 12.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is based on parity with other co-accused person, who have been allowed the privilege of bail by this Court, coupled



with the fact that the investigation of the crime is complete and charge-sheet has been submitted but without putting the petitioner on Test Identification Parade, 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 255 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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