

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61814 of 2024

Arising Out of PS. Case No.-58 Year-2020 Thana- SIKTI District- Araria

Abhishek Kr. Singh @ Abhishek Singh Son of Hira Singh Resident of Om
Nagar, Ward No. 08, P.S. - Araria, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2024 Heard Mr. Vijay Kishore Bharti, learned counsel for
the petitioner and Mr. Ganesh Prasad Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.06.2020 in connection with S.T. No. 84 of 2020 arising out
of Sikty (Bardhaha) P.S. Case No. 58 of 2020, F.I.R. dated
18.03.2020 for the offences punishable under Section 392 of
the Indian Penal Code but later on it is converted under Sections
395 and 397 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner have intercepted the informant
and his friend and on the point of pistol they took Rs. 3,00,000/-
from them and fled away.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Rahul Kumar Jha which was recorded in paragraph no. 54 of the case diary and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Arvind Kumar Mishra has been granted bail by a co-ordinate Bench of this Court vide order dated 09.08.2021 passed in Cr. Misc. No. 8546 of 2021 and another co-accused, namely, Ashutosh Kumar Jha @ Babu @ Ashutosh Jha has been granted bail by this Court vide order dated 28.02.2022 passed in Cr. Misc. No. 34455 of 2021. The petitioner is in custody since 19.06.2020.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in two cases out of four.



6. Considering the aforesaid facts and circumstances that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused as well as period of custody, let the petitioner, above named, 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 the learned Court of Sessions Judge, Araria in connection with S.T. No. 84 of 2020 arising out of Sikty (Bardhaha) P.S. Case No. 58 of 2020, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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