

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65809 of 2024

Arising Out of PS. Case No.-383 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Jugesh Patel @ Jugesh Chaudhary @ Mahangu Son of Ramadhar Chaudhary
R/o Village- Kusumha, P.S.- Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Ara Muffasil P.S. Case No. 383 of 2023 instituted for the offences under Sections 394, 411 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, when the Informant along with his brother-in-law on motorcycle reached near Goriya Mathiya, two miscreants, riding on motorcycle, came from behind and intercepted him and also snatched bag from his brother-in-law containing Rs. 15,000/- and a Karnet. It is also alleged that the assailant also fired at the Informant which hit him in between his left shoulder and elbow.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. but, during course of investigation, his name has surfaced in this case on the basis of the confessional statement of the co-accused Kamlesh Kumar Paswan before the police who has already been granted bail by the court below itself. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The I.O. after completion of investigation has already submitted charge-sheet. Charge has also been framed in this case. Learned counsel for the petitioner again submits that the police has forcefully took signature of the petitioner in the plain paper and recorded the self-statement of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedent. It is further stated that the occurrence took place on 27.08.2023 but, the seizure list was prepared on 07.09.2023 and the petitioner was remanded in this



case on 31.10.2023 which itself falsifies the prosecution case and a false seizure list was prepared in this case. The petitioner was arrested in another case in Ara Mufassil P.S. Case No. 384 of 2023 and has been remanded in this case on 31.10.2023.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the Informant has supported its case in his re-statement. Several witnesses have also supported the prosecution case. The petitioner has also confessed his guilt in his confessional statement. The injury report also supports the prosecution case. The alleged looted articles have been recovered from the possession of the petitioner and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 383 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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