

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72518 of 2024

Arising Out of PS. Case No.-750 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Shashi Kumar Thakur @ Shashi Thakur S/o- Shyam Thakur @ Syam Thakur
Village- Matihani, P.S- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-10-2024 Heard the parties.

2. The petitioner seeks bail in connection with Town P.S. Case No. 750 of 2021 registered for the offence under Sections 395, 397 and 412 of the I.P.C.

3. The petitioner is not named in the F.I.R. and is in custody since 30.12.2023.

4. The allegation against the petitioner is to commit *dacoity* in the house of the informant and while committing so, looted jewellery of gold worth rupees fifteen lakhs and other jewellery of family members alongwith cash of about Rs. 70,000/- and other available documents like ATM cards and credit cards etc. It is also



alleged that during the course of *dacoity*, the son of the informant received knife injury by one of the co-accused.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner transpired on the basis of confessional statement of Prem Sahani @ Gopal Choudhary, in furtherance of which, no incriminating material recovered/surfaced against this petitioner during course of investigation which may connect him *prima-facie* with present occurrence of *dacoity*. It is further submitted that said co-accused, Prem Sahani @ Gopal Choudhary has already granted bail by this Court through Cr. Misc. No. 70977 of 2022 dated 17.03.2023 by this Court. It is submitted that the petitioner was not put on T.I.P. as yet. While concluding the argument, it is submitted that on the basis of suspicion arising from six criminal antecedents of petitioner, he was made accused in the present case also, where in maximum cases, his name transpired on the basis of confessional statement as of



present case without having any evidenciary value and moreover, investigation of this case is already completed and as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission as mentioned above, as no incriminating material recovered /surfaced during investigation as to connect petitioner *prima-facie* with present occurrence of *dacoity* coupled with fact that investigation of this case is already completed where petitioner is in custody since 30.12.2023, accordingly petitioner above named, is directed to be released on bail in connection with Town P.S. Case No. 750 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.



(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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