

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83719 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- BARAULI District- Gopalganj

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Somesh Datta Priyadarshi @ Sumesh Datta Priyadarshi S/O Paras Nath Shastri @ Paras Nath Mishra Resident of Village- Amarpura, Banjariya, P.S- Mohammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Barauli P.S. Case No. 288 of 2023, instituted for the offences punishable under Sections 475 and 380 of the Indian Penal Code.

3. The prosecution case, in short, is that, four unknown miscreants entered the house of the informant committed theft of cash and ornaments and fled away by the Scorpio vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Rahul Kumar and the same has got no evidentiary value. Neither any T.I. parade has been conducted in this case nor any recovery of stolen articles have been made from the possession of the petitioner. The petitioner is in custody since 21.12.2023 and has got nine criminal antecedents in which he is on bail in seven cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 05.04.2024 passed in Cr. Misc. No. 25438 of 2024, order dated 19.07.2024 passed in Cr. Misc. No. 52269 of 2024 and order dated 09.08.2024 passed in Cr. Misc. No. 37611 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Barauli P.S. Case No. 288 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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