

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65865 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Alok Kumar Singh @ Sonu Singh S/o- Shambhu Prasad Singh, R/o Village-
Maharajapur Ward No. 12, PS- Kusheshwar Asthan, Dist- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-01-2025 Heard Mr. Prabhat Kumar Singh, the learned
counsel for the petitioner, the learned counsel appearing on
behalf of informant and Mr. Dinesh Singh, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
06.03.2024, in connection with Kusheshwar Asthan P.S. Case
No. 11 of 2024, FIR dated 19.01.2024, registered for the
offences punishable under Sections 394 and 34 of the Indian
Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, when the
informant was returning home from his petrol pump situated at
Aurahi at around 10:00 PM, three persons sitting on an Apache
motorcycle intercepted him and tried to snatch Rs. 10,00,000/-
(Rupees ten lakhs only) and one Apple tablet from the informant



and upon informant's resistance, they started firing due to which two bullets hit on the knees of the informant, meanwhile the assailants looted the cash and tablet and fled away.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of confessional statement of the co-accused persons namely, Madhav Jha and Kanhaiya Jha and nothing has been recovered from the conscious possession of the petitioner and except the aforesaid, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and petitioner is in custody since 06.03.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in the paragraph no. 142 of the case diary that test identification parade has been conducted by the prosecution and the informant has identified the petitioner as he had snatched the bag from the hand of the petitioner and the co-accused person namely, Md. Arshi had fired upon the informant. Apart from that, petitioner



carries three criminal antecedents other than the present one, however, he fairly submits on the basis of supplementary affidavit filed on behalf of the petitioner that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that nothing has been recovered from the conscious possession of the petitioner and he has been made accused in the present case merely on the basis of confessional statement of the co-accused person, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Session Judge, Benipur, Darbhanga, in connection with **Kusheshwar Asthan P.S. Case No. 11 of 2024**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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