

**In the Court of Additional Sessions Judge-V, Danapur**  
**Session Trial No. 385 of 2021**  
**(Arising out of Bikram P.S. Case No. 192 of 2020)**

02.09.2021

The bail petition dated 26.08.2021 along with petition dated: 31.08.2021 filed through E-filing on behalf of the accused-petitioner namely Bittu Kumar, son of Ram Lakhan Yadav, R/o Village-Doghara, P.S. Bihta, District-Patna has been pressed today. A copy of the bail petition has already been served to the learned Addl. P.P.

The petitioner is in judicial custody since 04.01.2021 in connection with Bikram P.S. Case No. 192 of 2020 for the offence under Section 395 of I.P.C.

Heard Sri Jitendra Sharma on behalf of the accused-petitioner, learned Addl. P.P. on behalf of the State.

The Prosecution case, in brief, is that the informant Indrajeet Kumar, lodged the instant case, by way of giving an application, before the S.H.O., Bikram P.S., Patna, alleging therein that when his driver coming with his Swaraj Tractor bearing Registration No. BR.01GG-3621, then near the Wazirpur More, four unknown persons riding on two Motorcycles forcibly intercepted his driver and on the point of Pistol, they took out his Tractor from his possession and fled away. It is also alleged that they also took away his driver with them by tying his limbs and mouth and dropped him near Gorakhari More beside the road and also threatened him from dire consequences.

The learned counsel for the accused-petitioner submitted that the police made accused to the petitioner on the confessional statement of the petitioner and other recorded by police in Naubatpur P.S. Case No. 407 of 2020 u/s 399, 403 of I.P.C. and 25(1-B)a/26/35 of Arms act and this case is of snatching Swaraj Tractor Reg. No. BR01GC-3621 with trolley of the possession of driver Bipat Paswan by unknown four robbers on 21.06.2020 at 01:15 A.M. at Wazirpur More P.S. Bikram District Patna for which owner of the tractor Indrajit Kumar got the Bikram P.S. Case No. 192 of 2020 lodged against unknown accused persons and on the basis of alleged confession recorded by police in other Nubatpur P.S. Case No. 407/2020 the alleged tractor has not been recovered from the possession of the petitioner. There is no evidenciary value of the confession He further submitted that due to land dispute the gotiya of the petitioner taking the police in collusion again-again implicated in unknown cases and co-accused Sudhir Kumar has been released by this court on 11.08.2021. Bail of this petitioner is of similar footing of co-accused Sudhir Kumar granted bail by this court and charge has been framed in this case, there is no allegation of tampering the witnesses and the parents of this accused-petitioner has old person and they depended the petitioner. The petitioner undertakes to co-operate in trial of the case. That the petitioner is not named in the instant case. He has been made accused on police requisition dated 22.12.2020 and remanded in the aforesaid case on 04.01.2021. The accused petitioner is accused in connection with Naubatpur P.S. Case No. 407 of 2020 u/ss 399, 402 I.P.C. and 25(1-B)a/26/35 of Arms Act, Bihta P.S. Case No. 1326 of 2018 u/s 302/34 of I.P.C. and 27 of Arms Act and are on bail, Bikram P.S. Case No. 177/2020 u/s 379 of I.P.C. the petitioner is on bail. The petitioner is under trial accused in Naubatpur P.S. Case No. 404/2020 u/s 392 of I.P.C. That earlier neither A.B.P. nor regular bail has been filed on behalf of the petitioner either this learned court or before the Hon'ble High Court, Patna.

Learned Addl. P.P fairly conceded that informant is not an eye-witness to this case. The name of the petitioner has been surfaced only on the basis of confessional statement of accused and co-accused persons. No TIP has been conducted. Nothing has been recovered from the possession of the petitioner.

I have heard rival the submission of both the parties and perused the case record. The petitioner is not named in the F.I.R. During the course of arguments, learned defence counsel for the petitioner submitted that the name of the petitioner has been cropped up on the basis of confessor

contd.  
2.09.2021

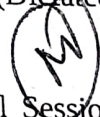
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statement of the petitioner and other co-accused by the police in Naubatpur P.S. Case No. 407 of 2020 and in this present case, the petitioner is remanded on 04-01-2021. The statement of learned counsel is corroborated by Para No. 72, 92, 93, 111 of the case diary and this facts were not also disputed by the prosecution. The name of the petitioner has been surfaced on the basis of the confessional statement and confession made before police is not evidence in eye of law because it is hits by section 25 of the Evidence Act. No TIP has been conducted. Nothing has been recovered from the possession of the petitioner. It appears except confessional statement, no tangible evidence is collected. Petitioner is in judicial custody since 04-01-2021. The charge has been framed. The other co-accused has been granted bail by this court in Session Trial No. 385 of 2021 vide order dated 11.08.2021 and the case of the petitioner is on similar footing.

Considering all the facts and circumstances of the case and submission made by both the parties, materials available on the record and the petitioner is in judicial custody since 04-01-2021 and also the petitioner undertake that he will be present before this court physically on each and every date till the final disposal of this case and will comply all the conditions imposed by this court, I am inclined to enlarge the petitioner on bail. Accordingly, prayer of the bail of the petitioner namely Bittu Kumar is hereby allowed. Accused-petitioner is enlarged on bail after furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of this court with further conditions are (1) That one of the bailors will be a close relative of the accused-petitioner, (2) The petitioner-accused will co-operate in trial. (3) The petitioner-accused will physically present before the court on each and every date till final disposal of this case. (4) Accused-petitioner as well as sureties for the purpose of identification will produce documents either Aadhar Card, or Voter I-Card and Mobile numbers before the court at the time of furnishing bail bond. True copy of above described documents after comparing with original documents and the same will be kept in record.

Any observation made herein will be inconsequential during trial or any further stage of this case.

(Dictated)



Additional Sessions Judge-V  
Danapur  
02.09.2021

This is certified that this is the  
true copy of the order passed by  
this court



Addl. Sessions Judge-V, Danapur