

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 755 of 2021
(Arising out of Shahpur P.S. Case No. 106 of 2020)

01.07.2022

The bail petition dated 07.06.2022 along-with supplementary petition has been filed on behalf of the accused-petitioners namely 1. Manish Kumar @ Rinku, son of Sammar Bahadur Singh and 2. Golu Kumar, son of Surya Vansh Singh, both are R/o Village-Bajariya, P.S. Sahar, District-Arrah (Bhojpur) 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 16.04.2021 in connection with Shahpur P.S. Case No. 106 of 2020 for the offence under Sections **395, 412** of I.P.C.

Heard Sri Shashi Bhushan Pandey on behalf of the accused-petitioners and learned Addl. P.P. on behalf of the State.

The Prosecution case, in brief, is that the informant Asutosh Kumar gave a written application to the S.H.O, Shahpur P.S., alleging that six unknown persons riding on Scorpio vehicle forcibly took the informant's I-20 Hundai car bearing Registration No. BR01EN-4194 from Khagaul Road, while he stopped his vehicle for attending the call of nature. It is also alleged that the miscreants also snatched cash of Rs. 14000/- and others valuable papers of the informant.

The learned counsel for the accused-petitioners submitted that the petitioners are quite innocent and committed no offence and falsely been implicated in this case by the police due to ulterior motive. The petitioners are not named in the FIR and the petitioners are not arrested on the spot. Nothing incriminating articles has not been recovered from the conscious possession from petitioners. Earlier another accused persons who have been remanded in this case have been confessed before the police, and on the basis of the aforesaid confession the petitioners have been remanded in this case and earlier who were remanded in this case and confessed the name of the petitioners have been granted bail by this learned court vide order dated 27.01.2022 in Session Trial No. 273/2021. The name of the petitioners has come in this case during investigation on the basis of the confessional statement of co-accused Aman Kumar and Abhishek Kumar @ Chhotu, who have been granted bail by the Hon'ble High Court, Patna in Cr. Misc. No. 29292 of 2021 vide order dated 21.10.2021. He further submitted that till date no T.I.P. has been done by the police and except confession before the police there is nothing against the petitioners and the petitioners are in custody in this case since 16.04.2021 without fault of their parts. In view of the General direction given by the Hon'ble High Court in Babuni Yadav's case passed in Cr. Misc. No. 52258 of 2007 the case of the petitioners are similarly situated from the co-accused Aman Kumar who has already been granted bail by the Hon'ble High Court. The co-accused Aman Kumar was also having criminal antecedent and has been granted bail by the Hon'ble High Court in connection with Naubatpur P.S. Case No. 773/2019 by the order dated 09.07.2021 passed by Hon'ble High Court, Patna. The petitiones have got some criminal antecedent 1. Bikram P.S. Case No. 39/2021, 2. Bikram P.S. Case No. 46/2020, 3. Bikram P.S. Case No. 60/2020, 4. Bikram P.S. Case No. 94/2020, 5. Naubatpur P.S. Case No. 773/2019 and Naubatpur P.S. Case No. 126/2020. That earlier no bail petition has been filed on behalf of the petitioners before this court or Hon'ble High Court Patna, except this one.

Learned Addl. P.P fairly conceded that the name of the petitioners has been surfaced only on the basis of confessional statement of accused. The other co-accused persons has been granted bail by the Hon'ble High Court, Patna and also from this court and the case of petitioners stands on the same footing.

I have heard the rival submissions of both the parties and perused the case record. The petitioners are not named in the F.I.R. The name of the petitioners has been surfaced on the basis of

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confessional statement and the 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. Petitioners are in judicial custody since 16.04.2021. The petitioners have criminal antecedent. The other co-accused persons has been granted bail by the Hon'ble High Court, Patna and also from this court and the case of the petitioners 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 petitioners are in judicial custody since 16.04.2021 and also the petitioners undertake that they 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 petitioners on bail. Accordingly, prayer of the bail of the petitioners namely 1. Manish Kumar @ Rinku and 2. Golu Kumar are hereby allowed. Accused-petitioners are enlarged on bail after furnishing bail bond of Rs. 10,000/- each 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-petitioners, (2) The petitioners-accused will co-operate in trial. (3) The petitioners-accused will physically present before the court on each and every date till final disposal of this case and (4) Accused-petitioners 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)
Sd/-

Additional Sessions Judge-V
Danapur
01.07.2022