

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35781 of 2017**

Arising Out of PS.Case No. -78 Year- 2013 Thana -GAYGHAT District- MUZAFFARPUR

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KUMUD RAM @ KUMOD RAM, son of Jeewachh Ram, resident of  
village Rampur, Saghari, P.S. Aurai, district Muzaffarpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Anil Kumar

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      15-09-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
10.04.2013 in connection with Gaighat P.S. Case No. 78/2013 for  
offences punishable under Sections 395, 397 of the Indian Penal  
Code and ¾ of the Explosive Substance Act.

The prosecution case, as lodged by the informant, who  
is a Probationary Officer of North Bihar Gramin Bank, Branch  
Berua, P.S. Gaighat, District Muzaffarpur, is that four miscreants  
entered the Bank and on gun point snatched Rs. 569339/- from the  
cashier and from the counter and also exploded bomb while  
fleeing away.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and just because he has a criminal antecedent, he has been made accused in the present case and is languishing in judicial custody for more than three years. He submits that the petitioner was arrested while he was in the market and Rs. 40,000/- has been recovered from the possession of the petitioner, which was not the looted money.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as 10 cases are pending against him some for similar offence.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 10<sup>th</sup> Addl. Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 806/16, arising out of Gaighat P.S. Case No. 78/2013, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (iv) Petitioner will also appear before the concerned police station in the first week of every month.

**(Nilu Agrawal, J)**

Rajesh/-

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