

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81154 of 2019

Arising Out of PS. Case No.-315 Year-2019 Thana- RUPASPUR District- Patna

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ANKIT KUMAR Son of Rajesh Kumar @ Rajesh Kumar Upadhaya Resident
of Village - Puchhari (Harakhpura), P.S.- Baniyapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 11-12-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in

F.I.R. No. 315 of 2019, dated 14.7.2019, registered at Police

Station Rupaspur under Sections 392 of the Indian Penal Code.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State. I have also
perused the relevant record of the case, necessary for
adjudication of this petition.

It is the case of the prosecution that the accused
persons robbed the complainant Pankaj Kumar of the A.T.M.
Cards and withdrew certain amount from the bank/A.T.M.

It is seen that the complicity of the accused is ascribed
on the basis of the confessional statement made by co-accused
who already stands enlarged on bail by a co-ordinate Bench of



this Court in Cr. Misc. No.76097 of 2019 (Md. Rustam @ Md. Rustam @ Rustam Ali).

Though there cannot be any parity in bail, but the accused petitioner has made out a case for grant of bail for thus far there is no direct evidence linking the accused petitioner to the crime.

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 8.8.2019; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature



stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. II, Danapur, Patna in connection with Rupaspur P.S. Case No. 315 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

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