

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6873 of 2020

Arising Out of PS. Case No.-429 Year-2019 Thana- DANAPUR District- Patna

SITU KUMAR @ SINTU KUMAR Son of Sanjay Kumar @ Sanjay Yadav
Residence of Village- Dallu Chak, Khagaul, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravi Kant Kumar
For the Opposite Party/s :	Mr.Bal Mukund Prasad Sinha
	Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 28-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Ravikant Kumar, the learned counsel appearing for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Danapur P.S. Case No. 429 of 2019 for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

The case of the petitioner in brief is that one Rakesh Kumar, who is the informant of the present case, had opened his shop on 31.05.2019 whereafter four persons bearing mask on their faces entered his jewellery shop and demanded cash and jewellery on the point of arms. The informant and his



brothers are stated to have raised an alarm, however, one of the culprit pointed pistol upon the brother of the informant whereafter all the miscreants started assaulting the informant and his brother and one of them fired gun shots on the informant resulting in him receiving injuries in his waist and foot. The miscreants are stated to have fled away with a gold chain and a sum of Rs. 40,000/- in cash.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is languishing in custody since 28.02.2019 and though he is accused in one other case but he is on bail in the said case. It is further submitted that the petitioner is not named in the FIR, however, his name has come in the course of confessional statement made by the co-accused person, namely, Rocky Kumar. It is also submitted that no test identification parade has been held so as to connect the petitioner with the alleged crime and moreover no looted article or cash has been recovered from the possession of the petitioner. Lastly, it is submitted that the co-accused persons, similarly situated to the petitioner herein, have already been granted bail by coordinate Benches of this Court vide order dated 22.01.2020 passed in Criminal Misc. No. 4057 of 2020 and the one dated 03.03.2020 passed in Criminal Misc. No. 14814 of



2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and considered the materials on record as also the case diary. It is apparent that the name of the petitioner has transpired upon the confessional statement made by co-accused Rocky Kumar, however, there does not seem to be any other material so as to connect the petitioner with the alleged crime.

Considering the submissions made by the learned counsel for the petitioner, taking into account the fact that no test identification parade has been held till date to connect the petitioner with the alleged crime, also considering the fact that no recovery of incriminating articles has been made from the possession of the petitioner apart from considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 Additional Chief Judicial Magistrate-1st,
Danapur, District-Patna in connection with Danapur P.S. Case
No. 429 of 2019.

(Mohit Kumar Shah, J)

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