

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18330 of 2020

Arising Out of PS. Case No.-506 Year-2019 Thana- CHIRAIYA District- East Champaran

SHIVAM KUMAR @ SHIWAM KUMAR Son of Awadh Kishor Singh
Resident of Village - Madhubani (Ashram Madhubani), Police Station -
Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr. Ashok Kumar
Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-06-2020 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 the learned counsel appearing for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Chiraiya P.S. Case No. 506 of 2019 for the offence punishable under Section 395 of the Indian Penal Code.

The case of the prosecution is that three unknown miscreants, at the alleged date, time and place of occurrence, had intercepted the informant, who is an operator of C.S.P.



(State Bank of India) in village-Raghunathpur, while he was returning on his motorcycle after withdrawing a sum of Rs. 1,89,000/- from the bank. It is further alleged that the co-accused person, namely, Jitendra Patel and Dheeraj Gupta had also arrived there and the said five persons had then snatched the money bag from the informant and had then fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner has not been named in the FIR and no Test Identification Parade has been held so as to establish the complicity of the petitioner in the alleged crime. Lastly, it is submitted that no recovery with regard to looted cash amount has been made from the petitioner and he has been languishing in custody since 05.11.2019.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that no Test Identification Parade has been held to prove the complicity of



the petitioner in the alleged crime apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 05.11.2019, 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, Sikrahana at Dhaka, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 506 of 2019.

(Mohit Kumar Shah, J)

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