

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27447 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- BUXAR District- Buxar

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Anup Kumar @ Anup Patel, Son of Dasrath Singh, Resident of Village -
Kakariyan, P.S.- Dhansoi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2020 Since as of now the Courts have not resumed

normal physical hearing, the matter has been listed today

for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence.The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Mr. Umanath Mishra, learned APP is appearing
for the State as it is submitted that the brief has been allotted
to him by the office of Advocate General.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Buxar (Town) P.S. Case No.93 of 2020 registered for the



offence punishable under Section 392 of the Indian Penal Code.

The owner of the Gas Agency has lodged an F.I.R. that he has been looted.

Petitioner's counsel submits that one Abhishek Kumar was arrested in investigation and he has named the petitioner and other accused Anish Kumar as being parties to the crime. Upon confession of Abhishek Kumar, looted cash and other articles were recovered from co-accused Anish Kumar. Motorcycle allegedly used in the crime has been recovered in front of the house of the petitioner as well as Anish Kumar, who were neighbours. Abhishek Kumar has already been granted bail in Cr.Misc. No.21252 of 2020 and co-accused Anish Kumar from whom stolen articles and looted cash was recovered, has been allowed bail in Cr.Misc. No.25163 of 2020. Asserting that the petitioner's prayer for bail stands on better footing, learned counsel for the petitioner submits that under such circumstances, he has now been in custody since 17.03.2020. The petitioner is an accused in another case in which he has also moved for grant of bail.

Learned APP for the State has opposed the prayer



for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Buxar, in connection with Buxar (Town) P.S. Case No.93 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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