

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75748 of 2019**

Arising Out of PS. Case No.-693 Year-2019 Thana- HAJIPUR District- Vaishali

SHIVAM KUMAR @ K.K.C. Son of Sahendra Singh Resident of Village-  
Alipur (Manjhipur), P.S.- Rajapakar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate  
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      07-01-2020                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner in this case is seeking regular bail in connection with Hajipur P.S. Case No. 693 of 2019 registered for the offence punishable under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, 7-8 persons who had hidden their faces came in the office of the informant and on the point of pistol threatened and took away mobile, ATM Card and other relevant papers as well as cash of Rs. 15 lacs. It is submitted that so far as this petitioner is concerned, his name has transpired in the confessional statement of the accused Chandan Kumar who has stated that this petitioner was in the role of a liner. It is further submitted that from the impugned order itself it would



appear that the another co-accused Gautam Kumar has stated that the co-accused Soni Kumari was in the role of the liner. Said Soni Kumari has been granted regular bail by a learned co-ordinate Bench of this court in Cr. Misc. No. 77489 of 2019 vide order dated 28.11.2019. Investigation in this case is complete and chargesheet has already been filed. It is also submitted that no incriminating material has been recovered from possession of the petitioner.

Learned APP has though opposed the prayer for regular bail of the petitioner but in course of argument has accepted that the case of this petitioner is similar to the case of Soni Kumari as both of them have been alleged to be the liner in the confessional statement of two co-accused one of whom has given the name of the petitioner and another has taken the name of this petitioner. No test identification parade has been conducted so far.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of this petitioner has transpired in the confessional statement of co-accused as a liner and similarly situated co-accused has been granted regular bail by a learned co-ordinate Bench of this Court as also no test identification parade has



been conducted and no incriminating material has been recovered from possession of the petitioner, investigation being complete, let the petitioner be released on bail in connection with Hajipur P.S. Case No. 693 of 2019 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that one of the bailors of the petitioner would be the family member having no criminal antecedent and that in case the petitioner is found involved in any other case of similar nature in future, the investigating



officer of this case or any other competent officer may besides  
taking any other action pray for cancellation of bail.

**(Rajeev Ranjan Prasad, J)**

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