

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15495 of 2021

Arising Out of PS. Case No.-1049 Year-2019 Thana- PHULWARISHARIF District- Patna

HARUN KUMAR @ HAROON KUMAR Son of Ram Pujan Kumar @
Rampujan Resident of Village- Yarpur Domkhana, Police Station-
Gardanibagh and District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 395 of the Indian Penal Code.

As per the prosecution case, at 2.30 am 7/8 persons while covering their face broke open the main gate of the informant's house, locked the house inmates in a room and took away gold worth Rs.5 lacs and cash Rs.50,000/-.

Learned counsel for the petitioner submits that the petitioner has been named in the confessional statement of co-accused. No incriminating material has been recovered from the conscious possession of the petitioner. Test Identification Parade has not been carried out till date. Several similarly



situated co-accused have already been allowed bail by different co-ordinate benches of this Court as mentioned in paragraph 14 of the bail petition. Petitioner is in custody since 4.12.2019.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that several similarly situated co-accused have already been allowed bail and petitioner is in custody since 4.12.2019, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sub Judge cum Additional Chief Judicial Magistrate IX, Patna in Phulwarisharif Police Station Case No. 1049 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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