

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14843 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

ANAND KUMAR SON OF PRAHLAD MAHTO R/o Mohalla- Nakhash
Machhuatoli, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rudra Deo, Advocate

For the Opposite Party/s : Ms Asha Devi, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Ramkrishna Nagar
Police Station (for brevity, *PS*) Case No 235 of 2020 instituted
for the offence punishable under Section 392 of Indian Penal
Code.

The informant has alleged that while he was going
with co-worker Munna Kumar to deposit Rs 6,86,300/-, three
miscreants have stopped him, fired upon Munna Kumar and
snatched the money. Petitioner's name has come in the course



of investigation on confessional statement of co-accused Karan Kumar, while he was in custody pursuant to his arrest.

It is submitted by the petitioner's counsel that the said Karan Kumar and the petitioner are having land dispute. It is in such circumstance that he has named the instant petitioner. Upon his implication in this case, petitioner has also been remanded in Agamkuan PS Case No 539 of 2020. Prior to the instant case, he had no criminal antecedent. Referring to the order of rejection, it is submitted that in the Closed-Circuit Television footage, three persons have been identified as having committed the occurrence, namely, Vikas Kumar, Karan Choudhary and Manish Kumar. The petitioner has not even been named by the pump owner or manager though the co-accused Karan Kumar has alleged the petitioner to be an employee of the petrol pump. Under such circumstances, petitioner is in custody since 15.09.2020 and till date, he has not been put on Test Identification Parade.

The learned APP has opposed the prayer for bail.

Considering the aforesaid submissions and custody of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail, in the instant case, is allowed. Let the



petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XIII, Patna in connection with Ramkrishna Nagar PS Case No 235 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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