

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17367 of 2021**

Arising Out of PS. Case No.-293 Year-2019 Thana- CHANPATIA District- West Champaran

Umesh Kumar, Gender-Male, Aged about 22 years, Son of Shiv Bachhan Prasad Resident of Village- Tadhwanandpur, Khalwa Tola, Ward No. 6, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr. Akbar Ali A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2. 08-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Chanpatiya P.S. Case No. 293 of 2019, registered for the offence under Sections 379/120B/34 of the Indian Penal Code.

As per the prosecution case, some unknown miscreants stolen away A.T.M. machine, installed at Tikuliya Chowk, containing Rs. 28,83,400/-.

Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation on the basis of confessional statement of co-accused Ashok Sah, and thereafter, some stolen amount to the tune of Rs. 12,18,300/- was recovered from the house of the petitioner. It is further



submitted that co-accused Ashok Sah has already been granted bail by a coordinate Bench of this Court, vide order dated 26.11.2020 passed in Cr.Misc. No. 30102 of 2020, from whose possession, stolen amount to the tune of Rs. 3,39,000/- was recovered. Petitioner is in custody since 04.12.2019. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the period of custody and the fact that similarly situated co-accused has already been granted bail by this Court, the bail petition of petitioner is allowed. Let the above named petitioner 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 293 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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