

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18130 of 2021**

Arising Out of PS. Case No.-328 Year-2019 Thana- BELHAR District- Banka

Rupesh Kumar Das, aged 28 years (Male) Son of Kapil Das @ Kapildeo Das
R/O Village- Dharpur, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Belhar PS Case No. 328 of 2019 instituted for the offence under Section 392 of the Indian Penal Code.

From the nozzle man of the petrol pump three unknown persons have taken away 4000/- Rupees and mobile phone on gun point.

Petitioner's counsel submits that one of the co-accused Md. Siddique was arrested who stated the name of co-accused



Uttam Kumar @ Uttam Ram and based on statement of co-accused Uttam Kumar @ Uttam Ram recorded in police custody, the petitioner was remanded in this case from Amarpur PS Case No. 541 of 2019. He is in custody since 07.04.2020 and since then has already been allowed bail in Amarpur PS Case No. 541 of 2019. There is no recovery of any incriminating material from the petitioner and he has also not been put on Test Identification Parade. Co-accused Uttam Kumar @ Uttam Ram, who has stated the petitioner's name, has also been allowed bail in Cr. Misc. No. 4781 of 2021.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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, Banka, in connection with Belhar PS Case No. 328 of 2019, 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.

(Madhuresh Prasad, J)

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