

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38704 of 2021**

Arising Out of PS. Case No.-210 Year-2019 Thana- SURYAGARHA District- Lakhisarai

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RUPESH KUMAR @ MINI NARESH @ MINI DOWN Son of Dayanand  
Mahto Resident of Village- Khawa Chandratola, P.S.- Mednichauki, District-  
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      04-08-2021                      Heard Mr. Manoj Kumar, learned counsel for the  
  
petitioner and Mr. Akhileshwar Dayal, learned counsel  
  
appearing for the State through video conferencing.

Petitioner renews his prayer for bail inasmuch as  
earlier regular bail application of the petitioner was rejected  
vide order dated 15.6.2020 passed in Cr. Misc. No. 1370 of  
2020 granting liberty to the petitioner to renew his prayer for  
bail after one year if the trial does not show any progress.

Petitioner was made accused in connection with  
Suryagarha P.S. Case No. 210 of 2019 registered under Section  
395 / 397 of the I.P.C.

The allegation as per the First Information Report is  
that petitioner along with others pretended to be customers  
entered into the jewellery shop of the informant and looted away  
jewellery, mobile etc. and when the informant resisted, the  
accused persons shot him by fire arm due to which the  
informant received injury on his right leg.



Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he is not named in the First Information Report, no test identification parade was conducted by the Police and nothing has been recovered from the possession of the petitioner. Learned counsel further submits that in paragraph no. 11 of the bail application the petitioner has categorically stated that the case has only been committed in the year 2020 but no witness has been examined on behalf of the prosecution as yet and the trial has not shown any progress. The petitioner is in custody since 26.7.2019 i.e. for more than two years.

Regard being had to the submissions made by the parties, taking into consideration the materials available on record, the fact that petitioner is in custody since 26.7.2019, the trial has not shown any progress due to COVID 19 Pandemic and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, Lakhisarai in connection with ST No. 04 of 2020, Suryagarha



P.S. Case No. 210 of 2019.

It is made clear that at the time of furnishing bail bond  
all the parties shall follow the guidelines regarding social  
distancing.

**(Anil Kumar Sinha, J)**

praful/-

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