

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40331 of 2021**

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MANISH KUMAR Son of Mr. Munna Prasad Resident of Mohalla- Kalhua
Paigam Barpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No.542 of 2019 arising out of Sadar P.S. Case
No.100 of 2019 registered for the offence under Sections 395
and 397 of the IPC.

As per prosecution case, five miscreants committed
bank robbery and took away gold kept in the strong room of the
bank, two lacs cash and mobile phones with them.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR. He further submits that on the basis of the confessional statement of co-accused, the name of the petitioner has been dragged in the present case. He further submits that nothing incriminating article has been recovered from the possession of the petitioner and till date, the petitioner has not been put on test identification parade. He further submits that similarly situated co-accused, namely, (1) Aashish Kumar Singh @ Aashiqui @ Aashish Kumar has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 14325 of 2020 vide order dated 02.03.2020, (2) co-accused, namely, Abhishek Kumar has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 34406 of 2019 vide order dated 16.10.2019, (3) co-accused, namely, Pradeep Kumar Rai @ Pradeep Kumar has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 37319 of 2019 vide order dated 20.06.2019 and (4) co-accused, namely, Alok Kumar Pathak has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 30278 of 2020 vide order dated 24.11.2020.

However, learned APP for the State vehemently



opposed the prayer for regular bail of the petitioner and submitted that the petitioner has two criminal antecedents.

Considering the aforesaid facts and circumstances and the period of custody of the petitioner, the above named petitioner is directed to 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 Additional Sessions Judge-Ist, Muzaffarpur in connection with Sessions Trial No. 542 of 2019 arising out of Sadar P.S. Case no. 100 of 2019 with following conditions:-

(i) 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.

(ii) 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.

(iii) 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.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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