

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40823 of 2020**

Arising Out of PS. Case No.-107 Year-2020 Thana- SARAIYA District- Muzaffarpur

Hari Shankar Pandey Son of Late Bindeshwar Pandey Resident of Village-
Ratwara Serpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Suresh Pd. Singh

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

3 08-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Saraiya P.S. Case No. 107 of 2020, registered for the offence under Section 395 of the Indian Penal Code.

As per the prosecution case, on 18.02.2020 at about 2:30 PM, 6-7 unknown miscreants, armed with pistol/katta, entered into the branch of Utkarsh Small Finance Bank and looted away cash worth Rs. 8,04,030/- (Rupees eight lacs, four thousand and thirty) and fled away on three motorcycles.

Petitioner is not named in the FIR. The name of petitioner has transpired during course of investigation on the basis of confessional statement of co-accused in connection with Saraiya P.S. Case No. 111 of 2020. It is further submitted that



Rupees one lac & ten thousand cash has been recovered from the possession of the petitioner, but till date, neither a TIP has been held with regard to cash nor petitioner has been put on TIP. It is further submitted that though, petitioner is accused in four more criminal cases, but in all the cases, he is on bail. Petitioner is in custody since 22.02.2020. Chargesheet has been submitted.

However, learned A.P.P. for the State vehemently opposed the bail application and submitted that it is a case of dacoity from a Finance Bank and cash amounting to Rs. 1,10,000/- has been recovered from the possession of petitioner.

Considering the fact that petitioner has not been put on TIP till date and the so called cash has also not been identified by anyone and chargesheet has been submitted, the bail application 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 A.C.J.M.-I, Muzaffarpur in connection with Saraiya P.S. Case No. 107 of 2020, 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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