

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5689 of 2021**

Arising Out of PS. Case No.-230 Year-2020 Thana- PAKARIBARAW District- Nawada

SHANKAR KUMAR SON OF SURESH YADAV R/O VILLAGE- MATH
GULANI, P.S.- PAKRIBARAWAN, DIST.- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Adv
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 14-07-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Section 395 of the Indian Penal Code.

The FIR of the occurrence of robbery is against unknown.

Submission is that before identification of the petitioner in Test Identification Parade they were shown to the witness at the police station. Hence, identification in Test Identification is not wholly reliable for the purpose of consideration of this prayer for bail. Due to his criminal antecedent the petitioner was apprehended by the police on suspicion and thereafter his confessional statement was extracted. Similarly placed co-

accused Pawan Chauhan has been granted bail by co-ordinate bench of this Court vide order dated 25.05.2021 in Criminal Miscellaneous No. 3299 of 2021. Petitioner is in custody since 15.09.2020.

Considering lack of material against the petitioner and completion of investigation, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Pakribarawan PS Case No. 230 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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