

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9764 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Akhilesh Kumar Koiri @ Mahto @ Chotey Mahto Male, aged about 22 years,
Son of Bijli Singh @ Mahto Resident of Village and P.O - Gunsej, P.S -
Dinara, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Md.Najir Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Buxar (Muffasil) P.S. Case No. 213 of 2020, registered for the offence under Sections 395, 412 of the Indian Penal Code.

As per the prosecution case, on 07.07.2020 at 12.05 PM, 7-8 unknown miscreants barged into the bank and on the point of pistol, committed *dacoity* of Rs. 4,61,600/- alongwith one Oppo Mobile of Generator operator.

Petitioner is not named in the FIR. Name of the petitioner has surfaced during course of investigation on the confessional statement of co-accused Sunil Rajbhar. No incriminating article has been recovered from possession of the



petitioner. Till date, petitioner has not been put on T.I.P. It is further submitted that one similarly situated co-accused namely Anuj Paswan has already been granted bail by this Court, vide order dated 19.03.2021 passed in Cr.Misc. No. 4329 of 2021. Petitioner claims clean antecedent and he is in custody since 12.07.2020.

Learned A.P.P. for the State has opposed the bail petition.

However, considering the fact that no incriminating article has been recovered from conscious possession of the petitioner and till date, petitioner has not been put on T.I.Parade coupled with the fact that petitioner has got clean antecedent, as stated in paragraph – 3 of the petition, the bail petition 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 213 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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