

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3547 of 2021**

Arising Out of PS. Case No.-134 Year-2020 Thana- MAHESI District- East Champaran

MANI KUMAR @ MANI SINGH Son of Rambabu Singh R/o Village -
Anjanakot, P.S. - Motipur, District - Muzaffarpur. Petitioner
Versus

THE STATE OF BIHAR Opposite Party

with

CRIMINAL MISCELLANEOUS No. 10716 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- MAHESI District- East Champaran

Chandan Choudhary Son of Arun Choudhary Resident of Village -
Bishunpura, P.S. - Baruraj, District - Muzaffarpur. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3547 of 2021)

For the Petitioner/s : Mr.Krishna Kant Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

(In CRIMINAL MISCELLANEOUS No. 10716 of 2021)

For the Petitioner/s : Mr.Patanjali Rishi,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-07-2021 Heard learned counsel for the petitioners in both the applications and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in both these applications are seeking regular bail in connection with Mehsi P.S. Case No. 134 of 2020 registered for the offences punishable under Section 395 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, on 20.05.2020 about three persons entered in the branch of the Punjab National Bank, Chowk Bazar, Mehsi, they were allegedly lashed with pistol and by threatening bank staffs, they



looted Rs.5,73,674/-.

Learned counsel for the petitioners submits that in the same FIR the informant alleges that four persons had fled away after looting the money. Later on, the informant came to know from the CCTV footage and the local persons that 2-3 other persons were keeping eyes and they were on Apache, Pulsor and Glamour motorcycles.

Learned counsel submits that in course of investigation, police arrested these petitioners after extracting confessional statement of co-accused Prabhat Kumar. The petitioner in Cri. Misc. No. 3547 of 2021 was arrested allegedly with one country-made pistol, six cartridges and a cash amount of Rs.60,000/- for which a separate case being Chakia P.S. Case No. 181 of 2020 under Section 414 IPC and 25(1-b)a, 26 of the Arms Act has been lodged and in connection with the said case he is in custody. He has been remanded in this case on 08.07.2020.

Learned counsel in Cri. Misc. No. 10716 of 2021 submits that from possession of this petitioner one loaded pistol and a cash of Rs.50,000/- has been recovered for which he has also been made accused in Chakia P.S. Case No. 181 of 2020. In this case the petitioner of Cri. Misc. No. 10716 of 2021 has been granted bail vide Cri. Misc. No. 9999 of 2021.

Learned counsel for the petitioners in both the applications submit that so far as the present case is concerned, the



petitioners have been brought in this case on remand but till date there is no test identification parade and so far as the confessional statement of co-accused Prabhat Kumar is concerned, it is submitted that according to the confessional statement, co-accused Arvind Kumar and Rahul Kumar had entered inside the branch, so far as these petitioners are concerned, they have been involved alleging that they were outside the branch office and were keeping eyes over the occurrence. There is, however, no allegation that they had made any firing or had otherwise threatened the bank staffs.

Learned counsel further submits that Arvind Kumar and Rahul Kumar have been granted bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 37766 of 2020 and Cri. Misc. No. 38545 of 2020 respectively.

Mr. Patanjali Rishi, learned counsel for the petitioner has fairly submitted before this Court that the prayer for bail of one of the co-accused Prabhat Kumar has been rejected by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 36240 of 2020 with an observation that the petitioner may renew his prayer for bail after six months if in the meanwhile, there is no substantial progress in the trial. Learned counsel submits that in the present day's pandemic situation almost four months have gone after the rejection of prayer for bail in the case of said Prabhat Kumar but no progress has been made. Chargesheets have been filed against the accused persons.

Mr. Akhileshwar Dayal, learned APP for the State has



opposed the prayer for regular bail of the petitioners. It is, however, not denied in course of submission that for recovery of firearm and cash a separate case has been registered against the petitioners. So far as this case is concerned, learned counsel submits that although the name of these petitioners have transpired but the fact remains that similarly situated accused, namely, Arvind Kumar and Rahul Kumar whose name have also transpired have been granted bail by two learned Co-ordinate Benches of this Court.

Considering the facts and circumstances of the case and the materials placed before this Court, since this Court finds that the name of these petitioners have transpired in the confessional statement of the co-accused, for recovery of firearm and cash a separate case has been registered, so far as the present case is concerned, co-accused similarly situated, namely, Arvind Kumar and Rahul Kumar have been granted bail by learned Co-ordinate Benches of this Court, this Court is inclined to grant the privilege of regular bail to the petitioners in both the applications to maintain uniformity in justice.

Let the petitioners above named in both the applications be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Mehsi P.S. Case No. 134 of 2020, subject to the conditions as laid down under Section 437(3)



Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

Both the applications are allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During the Pandemic Period'.

