

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67524 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- SHRIKRISHNAPURI District- Patna

=====

VIKKI KUMAR @ PRAVEEN KUMAR Son of Arun Thakur Resident of
Village - Dhanhara Brahman Tola, P.S. - Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 5237 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- SHRIKRISHNAPURI District- Patna

=====

ADITYA RANJAN @ KANHAIYA SINGH SONS OF UMESH PRASAD
SINGH R/O - POKHAR BHINDA, P.S.- SAHIYARA, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67524 of 2021)

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 5237 of 2022)

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022

IN CR. MISC. NO. 67524 OF 2021

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with S. K. Puri



P.S. No. 85 of 2021 registered for the offence under Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 11.06.2021.

The allegation against the petitioner is to commit robbery, while committing so, taken away cash of Rs. 9,00,000/- (Rupees Nine Lac) of ICICI Bank. It is further alleged that during course of robbery, Guard of the cash bank was shot dead.

Learned counsel appearing on behalf of the petitioner submitted that it is admitted position that the petitioner is not named in the First Information Report. It is pointed out that though the informant claimed to identify assailants, as per F.I.R., despite the same, petitioner was never put on TIP. It is also submitted that name of the petitioner surfaced on the basis of police spy and self confession, pursuant thereof; he has been remanded from Patliputra P.S. Case No. 179 of 2021, in the present case. It is also submitted that in furtherance of self confession, nothing surfaced/incriminate recovered during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of robbery and murder of Guard of cash van. It is also pointed out that name of the petitioner surfaced in 15 more criminal cases, where, petitioner



has acquitted or on bail in 13 cases, where in most of the cases, name of the petitioner surfaced on the confessional statement, as of present case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of robbery and murder of Guard in furtherance of his self confession coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with S. K. Puri P.S. No. 85 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Patna/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall



be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Vinita Devi, who is the mother of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO. 5237 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with S. K. Puri P.S. No. 85 of 2021 registered for the offence under Section 394 of the Indian Penal Code and later on charge-sheet submitted under Section 394, 302, 412, 120(B) and 34 of the Indian Penal Code and Section 27 of Arms Act.

The accused/petitioner is not named in the F.I.R. and



is in custody since 11.06.2021.

The allegation against the petitioner is to commit robbery, while committing so, taken away cash of Rs. 9,00,000/- (Rupees Nine Lac) of ICICI Bank. It is further alleged that during course of robbery, Guard of the cash bank was shot dead.

Learned counsel appearing on behalf of the petitioner submitted that it is admitted position that the petitioner is not named in the First Information Report. It is pointed out that the informant claimed to identify the petitioner, as per F.I.R., despite of the same, petitioner was never put on TIP, while he was in custody since 11.06.2021. It is also submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Kanheya Singh, where the maximum allegation is against the petitioner is to supply the arms and ammunition. It is also submitted that in furtherance of said confessional statement, no fire-arms recovery was made from conscious physical possession of the petitioner. It is also pointed out that petitioner is involved in two other case, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of robbery and murder of Guard in furtherance of his self confession coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with S. K. Puri P.S. No. 85 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Patna, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the



Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Vikaram Kumar Singh, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

