

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6565 of 2022

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

RAJ KUMAR @ BABLU KUMAR SON OF LATE RAMESHWAR SAH
R/O - MANDIR KE PASS, DESRI, DESARI, P.S.- DESARI, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 1052 2019 for the offence
registered under Section 395 of the Indian Penal Code.
Subsequently Section 397 of the Indian Penal Code was added
to the set of allegations.

The case of the prosecution in brief is that six
unknown miscreants had entered the branch of Muthoot Finance
Company Limited, Hajipur and had taken away a bag containing
55.777 kgs. of gold as well as a sum of Rs. 50,000/-.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing



in custody since 20.10.2021. The learned counsel for the petitioner has submitted that as far as the petitioner is concerned, it has nowhere been alleged that the petitioner was one of the miscreants who had looted gold/cash amount and the only allegation is regarding him being the owner of jewellery shop and having purchased stolen gold from one of the co-accused person totalling to about 2 kgs. The learned counsel for the petitioner has also submitted that some of the miscreants have already been granted bail by coordinate Benches of this court vide order dated 23.11.2020 and 27.10.2020 passed in Criminal Misc. No. 22960 of 2020 and Criminal Misc. No. 50947 of 2021. The fact remains that the case of the petitioner stands on better footing. It is lastly submitted that the petitioner is ready to abide by such conditions as may be deemed fit and appropriate to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that some of the



miscreants, who had participated in the heist have already been granted bail by coordinate Benches of this Court whereas the petitioner has only been alleged to have purchased the stolen gold, though I deem it fit and proper to direct for release of the petitioner herein on regular bail, however, subject to certain condition.

Accordingly, the petitioner, above named, is directed to 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 Judicial Magistrate-1st Class, Hajipur in connection with Hajipur P.S. Case No. 1052 of 2019.

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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