

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6380 of 2022

Arising Out of PS. Case No.-393 Year-2020 Thana- PATRAKARNAGAR District- Patna

Raushan Kumar Son of Sanjay Singh Resident of Village - Raja Pakar, P.s.-
Raja Pakar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Patrakar Nagar P.S. Case No. 393 of 2020 instituted for the
offences punishable under Section 392 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.08.2021, charge-sheet has been
submitted in the case and has antecedent of 3 cases.

The informant alleges that he has a jewellery shop and
three accused disguised as customer came and looted jewellery
worth Rs. 15,00,000/- along with cash, mobile etc. and even



looted the customers who were there in the shop.

Learned counsel for the petitioner submits that the F.I.R. was lodged against unknown persons and one co-accused Abhishek Kumar was arrested in connection with Kankarbagh P.S. Case No. 515 of 2020 and Abhishek Kumar, in his confessional statement before the police, named the petitioner and other associates who have participated in the present occurrence. It is also submitted that neither the petitioner was put on Test Identification Parade (T.I.P) nor any incriminating articles were recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that similarly situated co-accused namely, Bhola Rai @ Chandan Rai, Gimmi Kumar, Vikash Kumar @ John Vikash Kumar vide Cr. Misc. No. 52967 of 2021 order dated 10.02.2022, Cr. Misc. No. 58061 of 2021 order dated 07.03.2022, Cr. Misc. No. 8840 of 2022 order dated 07.03.202 respectively have been granted bail. It is further submitted that another co-accused namely, Avinash Prasad @ Avinash Kumar has been granted anticipatory bail vide order dated 17.01.2022 passed in Cr. Misc. No. 31859 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is in custody since 19.08.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 393 of 2020, subject to the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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.

(Khatim Reza, J)

Gaurav Kumar/-

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