

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20326 of 2022

Arising Out of PS. Case No.-693 Year-2019 Thana- NAGAR District- Vaishali

Chandan Kumar @ Prince Kumar @ Chandan S/O Ram Chandra Chaudhary
@ Ram Chandra Chaudhri R/O Village- Majhauri, P.S.- Bidupur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No.693 of 2019 registered for the
offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution story, at the time of alleged
occurrence the informant was in his office and then seven to
eight miscreants entered into his office and on the point of knife
and pistol they looted Rs.15,00,000/- cash, mobile phone of the
office staff and bag containing purse, key of bike, rain coat,



spectacles, A.T.M. Card etc.

The main submissions advanced by the learned counsel Mr. Shivanand Singh for the petitioner are that the petitioner has not been named in the FIR and he has been made accused in the instant matter on the basis of confessional statement recorded in connection with Digha P.S. Case No.453 of 2019 and the petitioner was not put on Test Identification Parade after he was taken into custody in the present matter and police failed to recover any looted money or article from the possession of this petitioner after the petitioner's arrest in the present case. Further submission is that co-accused persons namely Shivam Kumar, Soni Kumari, Chanchal Kumar and Gautam Kumar have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. No.75748 of 2019, Cr. Misc. No.77489 of 2019, Cr. Misc. No.22107 of 2021 and Cr. Misc. No.5982 of 2021 and the petitioner has been languishing in jail since 26.11.2019 and he has been chargesheeted, it is further submitted that the petitioner's earlier bail prayer made by him vide Cr. Misc. No.9294 of 2020 was rejected by a Co-ordinate Bench of this Court vide order dated 04.01.2021 and in that order this Court directed to expedite the trial of the petitioner and conclude the same within one year from the date



of that order but despite of that direction the trial of the petitioner is still pending and no significant development has taken place in concluding the petitioner's trial and after the rejection of petitioner's earlier prayer, the bail prayer of two co-accused persons namely Chanchal Kumar and Gautam Kumar carrying similar nature of allegation has been allowed by different Benches of this Court vide orders passed in Cr. Misc. No.22107 of 2021 and Cr. Misc. No.5982 of 2021 respectively and the petitioner has now come again before this Court mainly on the ground of his long custody period and the privilege of bail having been granted to similarly situated two co-accused persons.

Learned APP Mr. Amit Kumar Rakesh appearing for the State has opposed the bail prayer.

In view of above submission and mainly taking into account the facts that similarly situated co-accused persons are on bail granted by different benches of this Court vide orders passed in above-mentioned criminal miscellaneous cases and the petitioner has mainly taken the defence that after his arrest in the present matter police failed to recover any looted money or any other incriminating article concerned to the present matter from the possession of this petitioner and he was not put



on Test Identification Parade and the said defence has not been refuted by the learned APP and the petitioner's trial is still pending despite a direction having been given by this Court to conclude the same in one year in the order passed in connection with the petitioner's earlier prayer and as per the above submission no significant progress has been made by the Court below to conclude the trial of the petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Hajipur Sadar P.S. Case No.693 of 2019.

(Shailendra Singh, J.)

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