

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31888 of 2021

Arising Out of PS. Case No.-1162 Year-2019 Thana- KOTWALI District- Patna

KUNDAN KUMAR S/o Sri Kant Singh R/o- Chakhusain Khushrupur Block
Road, Near Dayanand School, P.S.- Khushrupur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Kotwali Police Station Case No. 1162 of 2019, registered for the
offence punishable under Sections 392/411 of the Indian Penal
Code.

The prosecution case, as per the First Information
Report, is that on 31.12.2019, a dacoity was committed in the
United Bank of India, Kotwali Branch, Patna, by unknown
person, who was wearing mask and a sum of Rs. 9,22,200/- was
looted and in the First Information Report, the serial no. of 100
pieces of notes of Rs. 100/- denomination has been mentioned.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case after ten months of the alleged dacoity and was remanded in the present case from Bakhtiyarpur Police Station Case No. 500 of 2018 on 18.01.2021, based upon his self-inculpatory statement recorded by the police and the alleged recovery of a sum of Rs. 3,00,000/- from the house of the petitioner, while he was in judicial custody in connection with the aforesaid Bakhtiyarpur Police Station Case No. 500 of 2018. He, referring to Annexure-2 series, which is the statement of account of the father and grand father of the petitioner, submits that on 02.07.2020, a cash withdrawal was done by the father and grand father of the petitioner to the tune of Rs. 2,21,000/- and the money, which was seized by the police, belongs to his family members. He further submits that the serial number of Rs. 100/- denomination notes, which is mentioned in the First Information Report, is not tallying with the serial number of notes, which has allegedly been recovered from the house of the petitioner. He further submits that the petitioner is in custody since 18.01.2021 and charge sheet has been submitted against him and as such there is no likelihood of the petitioner being abscond and/or tamper with the evidence.

On the other hand, learned Additional Public



Prosecutor, referring to the case diary, submits that the confessional statement of the petitioner was recorded on 20.07.2020, in which the petitioner has confessed that he has committed dacoity along with co-accused Rajnish in the bank on 31.12.2019 and the recovery has been made of the looted amount to the tune of Rs. 3,00,000/- on 02.07.2020.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that the date on which the recovery of a sum of Rs. 3,00,000/- was made on 02.07.2020 from the house of the petitioner, the petitioner was in judicial custody and after recovery of the money, the confessional statement of the petitioner has been recorded on 20.07.2020, the petitioner is in judicial custody since 18.01.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 25,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Kotwali Police Station Case No. 1162 of 2019.



This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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