

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23353 of 2022

Arising Out of PS. Case No.-326 Year-2020 Thana- PUPRI District- Sitamarhi

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Bipin Kumar @ Golu Son Of Ramakant Rao R/O Village- Bangaon, Ward
No.- 12, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Hans Lal Kumar, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Pupri P. S. Case No. 326 of 2020

registered for the offences punishable under Section 392 of the

Indian Penal Code.

As per the prosecution case, it is alleged that while

the petitioner was coming on a bus after collecting due money

from his customers, some miscreants by putting pistol on his



temple took away his bag containing 4,60,000/- other miscreants asked the conductor on the point of pistol to stop the bus and all of them threatening the passengers got down from the bus and fled away.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons and the name of the petitioner has transpired on the confessional statement of co-accused Saroj Kumar and neither the petitioner has been put on Test Identification parade nor any incriminating material has been recovered from his person of possession. It is further submitted that the co-accused persons, whose name has also transpired on the confessional statement of co-accused, they have already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 86 of 2022 and 1598 of 2022 vide orders dated 10.03.2022 and 26.04.2022 respectively. It is lastly submitted that this petitioner is in custody since 14.09.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has surfaced on the confessional statement of co-accused person.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the F.I.R. has been instituted against unknown persons and save and except the confessional statement of co-accused person, there is no other incriminating material, which suggests the complicity of the petitioner in the present case and moreover, other similarly situated persons having identical allegation, have already been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P. S. Case No. 326 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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