

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23377 of 2022

Arising Out of PS. Case No.-329 Year-2019 Thana- BHAGWANPUR District- Vaishali

Guddu Kumar, Son of Sri Ashok Singh, Resident of village- Chakaji Nizam,
P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Bela Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bhagwanpur P.S. Case No. 329 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that three unknown miscreants entered into the Uttar Bihar Gramin Bank, Prataptand Branch, Bhagwanpur, variously armed with weapons and on gun point they looted Rs.1,78,176/- apart from the other valuables.



Learned counsel appearing on behalf of the petitioner submits that the F.I.R. was instituted against unknown, however, during the course of investigation one Manish Kumar Sahni was apprehended by the police in connection with Mahua P.S. Case No. 709 of 2019 and on the basis of his confessional statement, the name of other associates including the petitioner was disclosed. It is next submitted that save and except the confessional statement, there is no other incriminating material, which suggests the complicity of this petitioner and moreover no incriminating material, much less looted articles, has been recovered from the possession of this petitioner nor he has been put on T.I.P.. It is further submitted that co-accused Rahul Kumar, whose name was also transpired in the confessional statement of co-accused, has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 35097 of 2021 vide order dated 11.08.2021 and the petitioner is in custody since 10.07.2020.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is named in seven similar kind of cases.

Having regard to the submissions made on behalf of



the parties and taking into consideration the fact that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered, apart from the fact that other co-accused person, having similar allegation, has already been granted bail by a learned coordinate Bench of this Court and he is in custody since 10.07.2020, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.329 of 2019, subject to the condition that one of the bailors will be the close relatives 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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