

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32940 of 2021**

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Biru Kumar @ Biru Bhagat, Son of Mahendra Bhagat Resident of
Chakmajahid, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 14-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Muzaffarpur
Sadar P.S. Case No. 100 of 2019 (S. Tr. No. 542 of 2019)
registered for the offences punishable under Sections 395/397 of
the Indian Penal Code.

According to prosecution case, the informant in his
fardbeyan stated that five miscreants entered the branch office
of muthoot finance with pistol and looted gold and Rs. two lakh



from the cash counter.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. He has falsely been implicated in the present case on the basis of confessional statement of co-accused. He further submits that till date no Test Identification Parada has been conducted by the prosecution. He further submits that co-accused, namely, Alok Kumar Pathak has been granted bail vide order dated 24.11.2020 in Cr. Misc. No. 30278 of 2020 and another co-accused namely, Aashish Kumar Singh @ Aashiqui has been granted bail vide order dated 02.03.2020 by different co-ordinate benches of this Court and the petitioner is in custody since 27.8.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that petitioner carries seven criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned 1st Additional Session Judge, Muzaffarpur, in connection with Sadar P.S. Case No. 100 of 2019 (S. Tr. No. 542/2019), 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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