

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25749 of 2022

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

SUMIT KUMAR @ ZOMURA @ SUMIT KUMAR ZAMURA S/O ASHOK
SINGH @ ASHOK KUMAR R/o village- Kuwari Bujurg, P.S.- Gangabridge,
District- Vaishali ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Adv.
For the Opposite Party : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and the State.

The case is registered under Section 395 of the Indian Penal Code in connection with Hajipur Town P.S. Case No. 1052 of 2019.

The allegation in the first information report is that when the informant was on duty in Muthooth Finance Company at Hajipur, 6-7 accused persons variously armed entered into the branch and looted altogether 55.777 Kg of gold and Rs.50,000/- cash, as all of them wearing mask the informant could not identify them, accordingly, as aforesaid was lodged.

Learned counsel for the petitioner submits that he was in custody since 2018 whereas the alleged occurrence took place in November, 2019, despite the fact due to enmity his name has been dragged in this case. He further submits that name of the petitioner has come up in confessional statement of accused,



Vikas Jha, which led to his remand in the present case on 16.03.2021. He lastly submits that the others accused persons whose names also cropped up due to confessional statement of Vikas Jha have since been released on bail which has been incorporated as Annexure 2 series.

Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor, on the other hand, submits that it is a case of loot of 55.777 Kg of gold as also the cash and despite the fact that he is in jail, as per the confessional statement of Vikas Jha he has conspired into the matter which led to the present occurrence.

A perusal of Annexure 2 series shows that the accused who were also named in the confessional statement of Vikas Jha, namely, Rama Shankar Rai, Mosmat Sita Devi, Sangita Devi, Shanti Devi, Ashif @ Anshu Khan, Raushan Kumar @ Raushan Kumar Swarnkar, Md. Arshad Alam, Dinkar Kumar Singh @ Dina Nath Singh and Sanjay Kumar Mishra have been granted bail by coordinate benches of this Court vide Annexure 2 to the bail application.

Considering the fact that the petitioner is in custody since 2018, has been remanded in this case on 16.03.2021, his name has come up in the confessional statement of accused, Vikas Jha, and the others who were also named by him have



since been granted bail, charge sheet stands submitted, this Court is inclined to grant bail to the petitioner with strict conditions in view of the fact that the petitioner has criminal antecedent.

The petitioner is directed to be released on bail in connection with the above case on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge, V, Vaishali at Hajipur, subject to the following conditions :

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bonafide.

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

(iii) he shall appear before the concerned Police Station every fortnight till conclusion of the trial to mark his presence.

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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