

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39102 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- BARH District- Patna

=====

Lallu Kumar @ Lalu Kumar @ Santosh Kumar, Son of Ram Pravesh Mahto,
Resident of Village- Station Road, Pandarak, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2022 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 Mr. Arvind Kumar Mouar, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Barh P.S. Case No. 55 of 2020 for the offences
punishable under Section 395 of the Indian Penal Code.

As per prosecution case, it is alleged that on
05.02.2020, at about 7.15 P.M., while the father of the informant
was coming back from his Car with his driver after collecting
the sale of Petrol Pump, in the meantime, five unknown
miscreants intercepted the Car and one of the miscreants opened
the back door of the Car and took out the bag containing



Rs.8,80,000/- and fled away.

It is submitted by the learned counsel appearing on behalf of the petitioner that the F.I.R. has been instituted against five unknown miscreants. However, later on, when the petitioner was arrested in connection with Shashtrinagar P.S. Case No. 588 of 2020, he has been remanded in the present case on 04.03.2021 and since then he is in custody. It is further submitted that though the petitioner is in custody for more than one year and three months, but till date he has neither been put on Test Identification Parade nor any incriminating material or looted article has been recovered from the person or possession of the petitioner. It is further submitted that one of the co-accused, namely, Rohit Tiwary, whose name has also been transpired during the course of investigation, has been granted bail by the learned co-ordinate Bench of this Court vide order dated 20.06.2022 in Cr. Misc. No. 42770 of 2021. It is next submitted that apart from this case, the petitioner has been made accused in connection with Shashtrinagar P.S. Case No. 588 of 2020, in which he is on bail.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation the complicity of the petitioner has transpired and



after investigation charge-sheet has been submitted against him.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has transpired on his self-confession and he is in custody since 04.03.2021, but till date neither the petitioner has been put on TIP nor any incriminating material has been recovered from his person or possession, inasmuch as, one of the co-accused, having similar allegation, has already been granted bail by the learned co-ordinate Bench of this Court, apart from the fact that investigation has already been completed and charge-sheet has been submitted, 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, Barh in connection with Barh P.S. Case No. 55 of 2020 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 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)

uday/-

U		T	
---	--	---	--

