

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30409 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- ASARGANJ District- Munger

ANBIK RAJ @ ANBIK KUMAR Son of Tarkeshwar Singh Resident of
Village - Maniyarpur, P.S.- Masudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Asarganj P.S. Case No. 31 of 2021, registered for the offences
punishable under Section 395 of the I.P.C.

As per prosecution case, it is alleged that on
09.03.2021, five to six miscreants armed with country made
pistol entered into the Gramin Bank, Masoomganj Branch. It is
further alleged that they entered in the safe room and on the
point of pistol looted cash of Rs. 5,44,416/- as well as Rs.
10,000/- from cash vault.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and during course of investigation on the confessional statement of co-accused Sooraj Kumar, name of petitioner has been surfaced. Nothing has been recovered from conscious possession of the petitioner. Except confessional statement of co-accused, there is nothing to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 10.03.2021 and bears no criminal antecedent. Learned counsel further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner has not been put on TIP. Moreover, similarly situated co-accused Chandan Kumar and Sunny Kumar have already been granted bail vide Cr. Misc. No. 66042 of 2021 and Cr. Misc. No 60718 of 2021 respectively by this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Vth, Munger in connection with Asarganj P.S. Case No. 31 of 2021 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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