

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38458 of 2021**

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

1. BIKASH KUMAR S/o Late Heman Choudhary R/o Mohalla- Station Road, Fatuha, Near Kali Mandir, P.S.- Fatuha, District- Patna
2. Nandan Kumar S/o Sri Lalu Yadav @ Lalo Yadav @ Sri Lalu Singh R/o village- Chhota Hasanpur, P.S.- Khusurupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39808 of 2021

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

KUNDAN KUMAR Son of Sri Lalu Yadav @ Lalo Yadav @ Sri Lalu Singh
Resident of Village- Chhota Hasanpur, P.S.- Khusurupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38458 of 2021)

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.

Mr.Bijay Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

(In CRIMINAL MISCELLANEOUS No. 39808 of 2021)

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.

Mr.Bijay Kumar, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-01-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Vikramdeo Singh, learned counsel assisted



by Mr. Bijay Kumar, learned advocate on record for the petitioners and learned A.P.P. for the State.

At the outset, Mr. Vikramdeo Singh, learned counsel for the petitioners submits that this case may be heard along with Cr.Misc.No.39808 of 2021 which is also listed before this Court at serial no.45 and in which the case diary was called for. Learned counsel submits that he is the lawyer representing the petitioner in the said case as well.

Since both the cases arise out of the same police station case number, this Court has heard learned counsel for the petitioners in both the cases.

Petitioners in Cr.Misc.No.38458 of 2021 and petitioner in Cr.Misc.No.39808 of 2021 are seeking regular bail in connection with Barh P.S. Case No.550 of 2019 registered for the offences punishable under Section 395 of the Indian Penal Code.

Learned counsel for the petitioners submits that on perusal of the First Information Report itself it will appear that these petitioners have been brought within the purview of the investigation of this case on the basis of confessional statement of the co-accused. It is submitted further that save and except the confessional statement there is no other material against



these petitioners so as to refuse them the privilege of bail.

Learned counsel submits that a co-accused similarly situated namely Ashok Yadav @ Ishlok Kumar @ Shlok Kumar has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.19642 of 2021 vide order dated 15.11.2021. Learned counsel submits that the said co-accused Ashok Yadav @ Ishlok Kumar @ Shlok Kumar has got 19 cases on his head. It is submitted that so far as the petitioners Bikash Kumar and Nandan Kumar are concerned, they have got six and seven cases respectively on their head out of which in four cases they have been granted bail. The petitioner Kundan Kumar in Cr.Misc.No.39808 of 2021 has got 14 cases on his head out of which in 10 cases he has been granted bail so far. The petitioners of Cr.Misc.No.38458 of 2021 are in custody since 07.12.2020 and petitioner of Cr.Misc.No.39808 of 2021 is in custody since 30.09.2020.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioners. Learned counsel submits that the co-accused including the petitioners have made confessional statements. They have made self-incriminating statements as well as disclosed the name of the members of the gang who are operating in looting the vehicles



on the national highways and State highways. Learned APP submits that from the kind of criminal antecedents of these petitioners it may be found that they are involved in similar kind of offences repeatedly and they seem to be getting involved in committing these kind of crimes while enjoying the privilege of bail. They are having huge criminal antecedents.

So far as the case of the co-accused Ashok Yadav @ Ishlok Kumar @ Shlok Kumar, who has been granted bail, is concerned, learned APP submits that though he has been granted bail by a learned coordinate Bench of this Court but from reading of the order it would appear that the number of criminal antecedents of the said petitioner is not provided therein. Learned counsel submits that considering the gravity of the offences and the huge criminal antecedents of the petitioners in the nature of the crime they do not deserve privilege of bail.

Having heard learned counsel for the petitioners and learned APP for the State, this Court has perused the impugned order as well. The materials collected in course of investigation have been discussed in detail giving the confessional statements of the co-accused and one of the present petitioners and then the criminal antecedents and further that these petitioners have already been chargesheeted.



To me it appears that the nature of the crime in which these petitioners are getting involved are serious and these kind of crimes are being repeatedly committed on the national highways, from the materials it is found that these petitioners are accused of similar kind of cases and they have got huge criminal antecedents, this Court is, thus, not persuaded to enlarge the petitioners on bail. The prayer for bail of the petitioners in both the applications is hereby rejected.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

