

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40303 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- PANDARAK 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 :

For the Petitioner/s : Mr.Bijay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 29-01-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pandarak P.S. Case No. 06 of 2020 for the offence registered
under Section 395 of the Indian Penal Code.

The case of the prosecution, in brief, is that the pick
up van of the informant was overtaken and intercepted by a
Scorpio vehicle on which six unknown miscreants were
travelling, whereafter they had snatched cash amount, mobile
phones, documents etc. from the informant and had tied his
hands and legs, whereupon they had taken away the informant
along with the pick up van and after sometime they had thrown
the informant on the side of the road.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 07.12.2020.



The learned counsel for the petitioner has further submitted that only on account of the bad antecedent of the petitioner herein, the petitioner has been falsely implicated in the present case, upon disclosure made by the co-accused persons namely, Azad Kumar and Bikash Kumar, in their confessional statement made before the police regarding the petitioner being one of their accomplice. It is further submitted that no test identification parade has been held till date so as to connect the petitioner with the alleged crime. It is also submitted that neither the looted articles nor the looted pick up van has been recovered from the conscious possession of the petitioner. It is next submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime and moreover no incriminating articles/the



stolen pick up van has been recovered from the possession of the petitioner, though, I deem it fit and proper to admit the petitioner to the privilege of regular bail but subject to certain conditions.

Accordingly, the petitioner, above named, is directed to 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 learned A.C.J.M.-1st Barh in connection with Pandarak P.S. Case No. 06 of 2020.

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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