

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30053 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Randhir Kumar Son of Upendra Mahto Resident of Village - Barbatta
Rupauli, P.S.- Musrigharari, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 60 of 2022 registered for the
offences under Sections 395 of the Indian Penal Code and 27 of
the Arms Act.

As per allegation, two miscreants with three unknown
persons entered inside the bank with their faces covered and
looted a sum of Rs.9,79,171/- on gun point and also looted three
tablets and mobile phones from the possession of the informant
and cashier of the bank.



The main submissions advanced by learned counsel Mr. Anshu Dhar Sharma appearing for the petitioner are that against the petitioner there is no any legal evidence, as per the prosecution the petitioner has been suspected to be involved in the alleged offence of bank dacoity mainly on the basis of CCTV footage which shows an activity of a person having the same physical structure like the petitioner but after the arrest the petitioner was not put on Test Identification Parade and any looted money was not recovered from his possession and there is no direct evidence against the petitioner to connect him to the alleged offence of bank dacoity.

Though learned APP Mr. Akhileshwar Dayal has opposed the bail prayer of this petitioner but accepted that the main evidence showing the implicity of this petitioner in the alleged crime is CCTV footage and except this there is no other evidence against the petitioner.

Heard both the sides and perused the FIR of this case. Though the present case relates to bank dacoity committed by the accused persons at the gun point but the order of trial Court goes to show that mainly on the basis of suspected activity of a person having physique similar to the petitioner, the petitioner has been suspected to be involved in the alleged crime and



during the course of investigation Rs.10,000/- and a mobile phone are alleged to have been recovered from the possession of this petitioner. But it does not appear that the said recovered amount was concerned to the looted amount of the bank and the order of learned Court below also goes to show that the petitioner was not put on Test Identification Parade after his arrest. As per petitioner's submission the investigation has been completed against him. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in Connection with Dalsinghsarai P.S. Case No. 60 of 2022, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner other than Musarigharari P.S. Case No. 96 of 2020 is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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