

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32485 of 2022

Arising Out of PS. Case No.-303 Year-2021 Thana- MOTIPUR District- Muzaffarpur

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Rupesh Thakur @ Rupesh Kumar @ Satyam Kumar S/o Prahlad Thakur
Resident of Village- Sain Vrijlal, Bangrapatti Sain, P.S.- Kanti, District-
Muzaffarpur, PIN- 843109.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 397, 398, 400, 353, 307,

120(B), 34 of the Indian Penal Code and Sections 25(1-b)a, 26,

27, 35 of the Arms Act.

According to prosecution case, the informant was

received information that gang of criminals may commit

robbery in any business establishment whereupon police

became vigilant and direction was received to be more vigilant



in Motipur police station area as there is possibility of commission of robbery in some important business establishment. It has been alleged that information was received that five criminal on motorcycle and scooty have been seen moving and Bank of Baroda, Panchrukhi may be the target and suddenly information was received that 5-6 criminals have entered in Bank of Baroda and they are committing robbery whereupon police arrived there and they found that two persons are standing on the gate and they are making firing and local people were running under fear. It has been alleged that those two persons started making firing on police party and in the meanwhile two more criminals came out from the bank and they also started making firing on the police party and the police party also started making firing in order to control the criminals as the criminals were making indiscriminate firing in which process from the bullet of the criminals, one villager got injured. It has been stated that after the firing was stopped four criminals and one injured person were found who revealed their names as Dheeraj Singh, Prashant Kumar, Nitesh @ Bansal and fourth criminal did not reveal his name nor revealed the names of his associates criminals and the injured person on the road revealed his name as Rohit Kumar and another injured person revealed



his name as Budhan Das. It has been alleged that on search by the police, from the possession of accused Dheeraj Singh, one country made 9 mm fire arm with magazine having five live cartridges and one another live cartridge was recovered. Similarly, it has been alleged that from the possession of Nitesh, fire arm and ammunition with magazine were also recovered. Apart from above, one other country made fire arm and live cartridges as well as fired cartridges were recovered from the place of occurrence of the descriptions given in the self-statement of the informant. It is also stated that one of the criminals Prince Kumar died during course of treatment.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Dheeraj Singh, Nitesh Kumar @ Bansal and Prasant Kumar. He further submits that no incriminating article has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Dheeraj Kumar @ Dheeraj Singh has been granted bail



by a co-ordinate Bench of this Court vide order dated 22.06.2022 passed in Cr. Misc. No. 8278 of 2022, other co-accused namely, Rohit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 8288 of 2022 and another co-accused namely Prashant Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 10444 of 2022. The petitioner is in custody since 09.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Motipur P.S. Case No. 303 of 2021, G.R. No. 3952 of 2021, subject to 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 and shall remain physically present



as directed by the court 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. And further condition that 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 cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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