

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33634 of 2022

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

BITTU KUMAR @ BITTU S/o Ramotar Singh R/o village- Bari Mudheri,
P.S.- Haveli Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

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 IPC.

As per prosecution case, 5 to 6 miscreants armed
with country made katta entered into South Bihar Gramin Bank
and it is alleged that they compelled all the employee to enter
into safe room and on the point of pistol they looted Rs.
10,000/- from safe vault and Rs. 5,44,416/- from cash counter.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation his name transpired upon the confessional statement of co-accused Suraj Kumar at para 45 of case diary as mentioned in impugned order and except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 25.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered either from the conscious possession of petitioner or from his house. He also submits that no T.I.P has been held in this case. 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.

The learned A.P.P. for the State vehemently 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 A.C.J.M, IInd, 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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