

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47801 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- MADHEPURA District- Madhepura

Guddu Kumar S/o Abhinandan Sah R/o village- Nolkhiya Ward No. 1, P. S.-
Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate.

For the Opposite Party/s : Mr. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Madhepura (Bharrahi) P. S. Case No. 24 of 2021 registered for the offence punishable under Section 394 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 08.01.2021, while the informant was on his way to home along with one of his companions after withdrawing cash of Rs. 2,92,500/- from the SBI, ADB, Madhepura, four persons



coming on two motorcycles, intercepted him and snatched his bag containing the cash and also assaulted him and thereafter, fled away. It is further alleged by the informant that he has recognized one of the miscreants, namely, Nitish Kumar.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R., his name has transpired in the confessional statement of co-accused, namely, Ravi Kumar who has already been granted bail by this Hon'ble Court in Cr. Misc. No. 59745 of 2021 vide order dated 13.04.2022. It is next submitted that other co-accused person, namely, Rupesh Kumar, against whom there is allegation that some looted articles have been recovered from his possession, has also been granted bail by a co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 39759 of 2021 vide order dated 06.01.2022. Copy of the said orders have been produced before this Court and the same are kept on record. It is lastly submitted that the petitioner having no criminal antecedent and he is in custody since 17.06.2021 but till date the petitioner has not been put on T.I.P. nor any incriminating material has been recovered from the possession of this petitioner.

On the other hand, learned APP for State opposes



the bail application but he is unable to confront the submissions made on behalf of the learned counsel for the petitioner that other co-accused persons have already been granted bail by this Hon'ble Court.

Having heard the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the F.I.R. and his name has transpired in the confessional statement of co-accused person, who has already been granted bail by this Hon'ble Court, apart from the fact that this petitioner is in custody since 17.06.2021 but till date he has not been even put on T.I.P. nor any incriminating material has been recovered from him, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P. S. Case No. 24 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

Shakir/-

U		T	
---	--	---	--

