

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49705 of 2021**

Arising Out of PS. Case No.-342 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Ankur Kumar S/O- Late Indradev Prasad Singh Resident of Aayodhya, P.S.-
Teghra, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Murli Dhar, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 23-06-2022 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 Mr. Binod Kumar Sinha, 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 Bibhutipur P. S. Case No. 342 of 2020 registered for the offences punishable under Sections 392, 120(B), 414 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 23.11.2020 at about 01:00 P.M. four miscreants, who were covered their face, entered into the shop of the informant and



looted 5 Kg. Silver containing in different type of ornaments. It is further alleged that the age of the miscreants were in between 20-25 years.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. rather his name has transpired on the confessional statement of co-accused Chhotu Kumar. So far the alleged recovery of the looted article is concerned, the same is said to be belongings of the family members of the petitioner and moreover, the alleged looted ornaments have never been put on TIP. It is next submitted that other co-accused persons having similar allegations have already been granted bail by learned co-ordinate Benches of this Hon'ble Court in Cr. Misc. No. 24771 of 2021 vide order dated 31.08.2021 and Cr. Misc. No. 23712 of 2021 vide order dated 20.12.2021 respectively.

On the other hand, learned APP for the State vehemently opposes the bail application, however, he is unable to confront the submissions made by the learned counsel for the petitioner that the other co-accused persons having similar allegation have already been granted bail by learned co-ordinate Benches of this Hon'ble Court.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner is not named in the F.I.R. nor he has been put on TIP, nor the looted article, which is allegedly recovered from the house of the petitioner has not been put on TIP and moreover, the petitioner is in custody since 28.11.2020 and other co-accused persons having similar allegation have already been granted bail by learned co-ordinate Benches of this Hon'ble Court, 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 Additional Chief Judicial Magistrate-II, Rosera, Samastipur in connection with Bibhutipur P. S. Case No. 342 of 2020, 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.

- (v) 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 cancelling 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.

(Harish Kumar, J)

shakir/-

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

