

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40372 of 2022**

Arising Out of PS. Case No.-133 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Akash Kumar, Son of Maru Yadav, R/O Village/Mohalla- Naya Tola,
Jurabganj, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajeev Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sheikhpura P.S. Case No. 133 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, it is alleged that on 05.03.2021, at about 12.45 PM, when the informant after withdrawing Rs. 3,50,000/- reached near Collectorate gate, in the meantime, two unknown persons came on a motorcycle and



looted the aforesaid money and fled away.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown persons, however, during the course of investigation, the name of the petitioner has been surfaced on the confessional statement of co-accused Ronit Kumar, who was apprehended in connection with Sare P.S. Case No. 80 of 2021 and on the basis of said confessional statement the petitioner was remanded in this case on 10.12.2021 and since then he is in custody. He next submits that co-accused, having identical allegation, have already been allowed the privilege of bail in Cr. Misc. No. 32118 of 2022 and 32145 of 2022 vide order dated 13.09.2022. He also submits that though the petitioner is in custody since long, but till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered and save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in eight other criminal cases of similar nature. In response to the aforesaid submission, learned counsel for the petitioner submits that in fact all the cases have



been instituted in the year 2021, that too instituted against unknown, in which the petitioner has been remanded.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused and save and except the confessional statement, there is no material suggesting the complicity of the petitioner, apart from the fact other co-accused persons, having identical allegation, have already been granted bail by a learned coordinate Bench of this Court, let the petitioner, named above, 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, Sheikhpura in connection with Sheikhpura P.S. Case No. 133 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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