

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53808 of 2021

Arising Out of PS. Case No.-407 Year-2017 Thana- DHANARUA District- Patna

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Mukesh Kumar, @ Bablu Sharma Son Of Late Jawahar Sharma @ Surendra
Sharma @ Late Jawahar Ram, Resident Of Vill - Kandap, Bandh Par, P.S. -
Punpun, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Dhanarua P.S. Case No. 407 of 2017 registered
for the alleged offences under Sections 395/397 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner and other
co-accused persons looted a bank van and shot at its driver and
cash of Rs. 45 lakhs was looted in this heist. Initially the case
was registered against unknown, but later on, the name of this



petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and nothing incriminating has been recovered from his conscious possession. The petitioner has been named by a co-accused in his confessional statement. No Test Identification Parade has been conducted to establish the identity of the miscreants. Though the petitioner is having criminal antecedents, he is on bail in all cases. The charge-sheet has been submitted and the petitioner is in custody since 02.02.2021. One of the co-accused persons namely Sipu Kumar has been granted bail by a Coordinate Bench of this Court vide order 20.04.2022 passed in Cr. Misc. No. 64728 of 2021.

Learned APP opposes the prayer for bail submitting that huge amount of cash was looted from a bank van and its driver was shot at by the petitioner.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is not named in the FIR and nothing incriminating has been shown to be recovered at the instance of the petitioner as it appears from the perusal of case diary and further considering the period of his custody, the



petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 407 of 2017, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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