

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53366 of 2021

Arising Out of PS. Case No.-409 Year-2021 Thana- BANKA District- Banka

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HEERA @ MD. HEERA @ MAJNU @ MD. MAJNU S/o Md. Sanjid R/o
village- Khariyara, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 10-10-2022 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. Kundan Kumar Singh, learned counsel for the petitioner and 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 Banka P. S. Case No. 409 of 2021 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3/4 of the Explosive Substances Act.

The prosecution case is based on *fardbayan* of the informant alleging therein that on 25.05.2019 at about 01.55



A.M., while the informant along with one Vikash Shahi being staff of Mahadev Enclave Pvt. Ltd. At Shankarpur Dharmkanta were issuing challans for the truck carrying sand and in the meantime, 5-6 miscreants wearing masks on their faces and having country-made pistols in their hands entered into the office of the informant and took away Rs. 10 Lakh kept in two boxes. It is also alleged that the during the course of fleeing the miscreants made firing from their pistols.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the F.I.R. has been instituted against unknown persons, however, the name of the petitioner has transpired as the miscreants were calling each other by taking their names as Heera, Kaushar, Hussain, Babloo, Tanjoor and Shahrukh, since the petitioner is also named Heera, his name has been implicated in this case. It is next submitted that during the course of investigation, the petitioner was apprehended and on search, one loaded country-made pistol and four currency notes of Rs. 500/- denomination was recovered, which is said to be looted currency notes. It is also submitted that with regard to the recovery of loaded county-made pistol is concerned, a separate case has been instituted in which the petitioner is already on bail, however, so far the present case is concerned,



though, the petitioner is in custody since 04.06.2021 but till date neither the four currency notes of Rs. 500/- nor the petitioner has been put on Test Identification Parade. It is lastly submitted that other co-accused person, having identical allegation and from whose possession some cash amount was also recovered, has already been granted bail by learned coordinate Bench of this court in Cr. Misc. No. 66774 of 2021 vide order dated 24.05.2022.

On the other hand, learned APP for the State opposed the bail application and submits that from the seizure list, it appears that certain looted amount has been recovered from the possession of the petitioner and co-accused persons have confessed about complicity of the petitioners in the present crime. It is also submitted that the petitioner is also found involved in three other criminal cases as has been disclosed by the petitioner by filing supplementary affidavit.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown persons and the petitioner is in custody since 04.06.2021 but till date he has not been put on T.I.P., apart from other co-accused person having more or less identical allegation has already been granted bail



by learned co-ordinate Bench 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 Chief Judicial Magistrate, Banka in connection with Banka P. S. Case No. 409 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners 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)

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