

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58136 of 2021**

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BIRENDRA SHARMA @ BAIJENDRA SHARMA S/o- RAJENDRA
SHARMA Resident of Village- Balua Basant, P.S.- Lalganj, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok,Adv
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with
Muzaffarpur Sadar P.S.Case No.100 of 2019, S.Tr.No.542 of
2019 registered for the offence under Sections
395,397,412,120(B) of the Indian Penal Code.

The case relates to dacoity in the office of Muthoot
Finance Co. Ltd. from where two lakh rupees kept in the
counter and the gold kept in the strong room have stolen by the
six unknown miscreants. The bag of the informant alongwith his



mobile and modem have also been stolen.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of confessional statement of co-accused, namely, Alok Kumar Pathak. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner. He further submits that similarly situated co-accused persons, namely, Abhishek Kumar, Pradeep Kumar Rai @ Pradeep Kumar, Aashish Kumar Singh @ Aashiqui @ Aashish Kumar and Alok Kumar Pathak have been granted bail by different Coordinate Benches of this Hon'ble Court in Cr.Misc. No.34406 of 2019, Cr.Misc. No.37319 of 2019 and Cr. Misc. No.14325 of 2019 vide order dated 16.10.2019, 20.06.2019 and 02.03.2020 respectively. He further submits that another co-accused, namely, Manish Kumar and Jitan Kumar @ Jitendra Yadav have been granted bail by this Court vide order dated 10.12.2021 and 04.01.2022 respectively in Cr. Misc. No.40331 of 2021 and Cr. Misc. No.50205 of 2021 and the petitioner is in custody since 27.08.2020.

Mr. Matloob Rab, learned A.P.P. for the State has



vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 17th Additional Sessions Judge, Muzaffarpur in connection with Muzaffarpur Sadar P.S.Case No.100 of 2019, S.Tr.No.542 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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



cancellation 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.

(Rajesh Kumar Verma, J)

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