

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57607 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- BIDUPUR District- Vaishali

Prince Kumar @ Golu Rider, Son of Gonaaur Mahto @ Ganaaur Mahto,
Resident of Village- Dighee Kala Purvi (Near Chaila Chowk), P.S. Sadar
Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s :		Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 28-09-2022 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. Ansul, learned counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bidupur P.S. Case No. 56 of 2021 registered for the offences under Sections 395, 412, 120B of the Indian Penal Code.

The prosecution case is based on the written report of the Branch Manager of Axis Bank, Kanchanpur alleging therein that while he was on duty on 28.01.2021, at about 12.20 P.M., in the meantime, 8 miscreants riding on three miscreants came near the branch and out of them six miscreants entered into the



branch armed with pistols covered their faces by mask and helmet. It is further alleged that by way of brandishing their arms they looted Rs.26,54,430/- from the cash counter and Rs.6880/- from Agree counter and thereafter they also looted Rs. 18,00,000/- from the vault of the Bank. It is further alleged that the miscreants also looted other valuables and articles of the staff and fled away with the looted cash and articles.

Learned counsel appearing on behalf of the petitioner submits that admittedly the F.I.R. has been instituted against unknown miscreants. However, during the course of investigation, some accused persons apprehended and the name of the petitioner surfaced on the confessional statement of Vinod Kumar Singh and Chandan. Thereafter self-confession of the petitioner was also recorded by the police showing the complicity of the petitioner in the present crime. It has also come in the confessional statement that this petitioner has provided shelter to other co-accused persons, who came from Uttar Pradesh. He next submits that save and except the confessional statement, there is no material against the petitioner and neither the petitioner has been put on TIP nor any incriminating material has been recovered from his person or possession. He further submits that in fact the petitioner was apprehended in connection with Bidupur P.S. case no. 167 of



2021 registered under Sections 25(1-b)a/26 of the Arms Act and thereafter he has been remanded in the present case on 31.05.2021 and since then he is in custody. He also submits that though the petitioner is named in two other cases, however, none of them relates to Bank dacoity or loot. He lastly submits that the petitioner is in custody since 31.05.2021 and he is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the present case is a Bank dacoity of Rs. 44 lakh wherein eight miscreants committed Bank dacoity in a broad day light and in course of investigation material has come suggesting the complicity of the petitioner in the present crime, apart from his own confession with regard to his involvement in the crime.

Regard being had to the submissions made on behalf of the parties and materials available on record, it is evident that the entire case is based on confessional statement and save and except the confessional statement of co-accused persons and the self-confession of the petitioner, there is no material against him, neither the petitioner has been put on Test Identification Parade nor incriminating material has been recovered from his person or possession, inasmuch, as the investigation of the



crime is already completed and charge-sheet has been submitted and there is no chance of absconding of the petitioner or tampering with the evidence, 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, Vaishali in connection with Bidupur P.S. Case No. 56 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.

(Harish Kumar, J)

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