

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57581 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- BARH District- Patna

Prabhakar Kumar @ Abhishek @ Sonu, Son of Bharat Sah @ Bharat Saw,
Resident of Village - Jagdishpur Pandarak, P.S. - Pandarak, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No.2, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-07-2022 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 Barh P.S. Case No. 55 of 2020, G.R. No. 182 of 2020 registered for the alleged offences under Section 395 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused persons waylaid the father of the informant and looted the proceeds of sale from the petrol pump of the informant, totaling an amount of Rs. 8,80,000/-.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He has not been named in the FIR, which has been registered against unknown. The petitioner has been named in this case in the confessional statement of co-accused Rohit Tiwary, who has been allowed bail by a co-ordinate Bench of this Court vide order dated 20.06.2022 passed in Cr. Misc. No. 42770 of 2021. Another co-accused Lallu Kumar has also been granted bail by a co-ordinate Bench of this Court vide order dated 21.06.2022 passed in Cr. Misc. No. 39102 of 2021. No recovery has been made from the petitioner and he has not been put on Test Identification Parade. He has been remanded in this case on 19.06.2021.

Learned APP opposes the prayer for bail submitting that during investigation, the name of the petitioner was disclosed by the co-accused. The petitioner is also having criminal antecedent.

Perused the records.

Having regard to the fact that the petitioner has not been named in the FIR and nothing incriminating has been recovered from the petitioner coupled with the fact that the other co-accused persons have been allowed bail by co-ordinate Benches of this Court and also considering the period of



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 Chief Judicial Magistrate- 1, Barh, in connection with Barh P.S. Case No. 55 of 2020, G.R. No. 182 of 2020, 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)

V.K.Pandey/-

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