

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58061 of 2021

Arising Out of PS. Case No.-393 Year-2020 Thana- PATRAKARNAGAR District- Patna

GIMMI KUMAR Son of Sri Dinesh Yadav Resident of Musallahpur Hat,
P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Patrakar Nagar P.S. Case No. 393 of 2020 instituted for the
offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.09.2020, charge-sheet has been
submitted in the case, has antecedent of four cases and the
petitioner is on bail in all the four cases.

The informant alleges that he has a jewellery shop and
three accused disguised as customer came and looted jewellery
worth Rs.15,00,000/- along with cash, mobile etc. and even
looted the customers who were there in the shop.



Learned counsel for the petitioner submits that the FIR was against unknown and one co-accused Abhishek Kumar was arrested in connection with Kankarbagh P.S. Case No. 515 of 2020 and Abhishek Kumar, in his confessional statement, in police custody, named the petitioner to have participated in the present occurrence. Learned counsel, thus, submits that confessional statement in police custody does not have any evidentiary value in the eye of law. Learned counsel also submits that neither the petitioner was put on T.I. Parade nor any incriminating article was recovered from the possession of the petitioner. Learned counsel further submits that similarly situated co-accused Bhola Rai @ Chandan Rai has already been granted bail by this Court vide order dated 10.02.2022 passed in Cr. Misc. No. 52967 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted, name of the petitioner transpired in the confessional statement of co-accused and similarly situated co-accused has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 393 of 2020, subject to the condition that one of the bailors shall be the mother of the petitioner, namely, Mamta Devi and further if the petitioner is implicated in a case of similar nature and the said fact comes to the notice of the learned court below, the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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