

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60718 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- ASARGANJ District- Munger

Sunny Kumar @ Sunny Deval Kumar @ Sunny Deval S/o Anil Singh
Resident of Village- Mudheri, P.S.- Kharagpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Asarganj P. S. Case No. 31 of 2021 registered for the offences punishable under Section 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 09.03.2021, 5-6 miscreants armed with country made pistol entered into the Gramin Bank, Masoompur Branch. It is further alleged that they entered in the safe room and on the point of pistol looted case of Rs. 5,44,416/- as well as Rs. 10,000/- from cash vault.

Learned counsel appearing on behalf of the petitioner submits that the present F.I.R. has been instituted against unknown miscreants. However, the name of the



petitioner has transpired on the confessional statement of co-accused Suraj Kuamr. It is further submitted that this petitioner is in custody since 17.06.2021 but till date he has not been put on T.I.P. It is also submitted that this petitioner has remanded in the present case from Asarganj P. S. Case No. 31 of 2021. It is next submitted that this petitioner was neither named in the F.I.R. nor arrested at the spot nor any incriminating material has been recovered from the possession of this petitioner. It is also submitted that the petitioner has also not been recognized through CCTV amongst those dacoits, who entered in the Bank. It is lastly submitted that during the course of investigation, except the confessional statement, nothing has come which suggest the complicity of this petitioner, though the investigation has been completed and the charge-sheet has already been submitted in this case.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner has got two criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has come in the confessional statement of the co-accused and moreover, nothing has been recovered from



the possession of this petitioner. Apart from the fact that he is in custody since 17.06.2021 but till date he has not been put on T.I.P., 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 Additional Chief Judicial Magistrate II, Munger in connection with Asarganj P. S. Case No. 31 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner 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.

(Harish Kumar, J)

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