

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61399 of 2021

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

Rajat Kumar, S/o Kapil Dev Choudhury, R/o Village- Majhauri, P.S- Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhesh Pandey, Advocate
		Mr. Ranjana Srivastava, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, 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. Sudhesh Pandey, 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 of the Indian Penal Code. Later on Section 412 of the Indian Penal Code has been added.

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 the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation some co-accused persons were apprehended and the name of the petitioner has surfaced on the confessional statement of Gautam Choudhary and Prince Kumar and in course of search Rs.10,000/- currency notes have been recovered from the house of the petitioner. However, neither the petitioner nor the currency notes, which are said to have been recovered from the house of the petitioner has been put on Test Identification Parade, though the petitioner is in custody since 17.02.2021, having fair antecedent. He further submits that in fact the currency notes, which are said to have been recovered from the house of the petitioner belongs to him and the same is not looted



one, apart from the aforesaid facts, there is no other material suggesting the complicity of the petitioner in the present crime.

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 and from the possession of the petitioner Rs.10,000/- has been recovered, which is said to be a looted currency notes.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been transpired on the confessional statement of co-accused and so far the recovery of Rs.10,000/- is concerned, neither the petitioner nor the currency notes allegedly recovered from the house of the petitioner have been put on TIP and the petitioner, having fair antecedent, is in custody since 17.02.2021, 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 at Hajipur 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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