

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63805 of 2021**

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

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Gautam Kumar S/o Vinod Kumar Chaudhary, R/o Village- Majhauri, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mrs. Priyanka Singh, Advocate
For the Opposite Party/s :		Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 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, the name of the petitioner has surfaced on the confessional statement of three of the co-accused persons, thereafter self-confession of the petitioner was recorded before the police. He further submits that later on, in course of search cash of Rs.95,000/- was recovered from the possession of the petitioner and further on the confession made by the petitioner cash of Rs.1,00,000/- was recovered from the possession of the sister of the petitioner, namely, Guriya Kumari @ Rakhi Kumari. He further submits that though the recovery is said to have been made from the possession of the petitioner and sister of the petitioner, but neither the recovered currency notes have



been tallied by the looted notes nor it has been put on TIP for identification. He next submits that only on the basis of the recovery, the petitioner cannot be connected with the crime of dacoity or the looted currency notes and unless it is verified in TIP, it cannot be said to be a looted currency. He next submits that in fact only on account of past three criminal antecedent, the name of the petitioner has been implicated in this case. While concluding his submission, learned counsel lastly submits that the petitioner is in custody since 17.02.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future.

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. He further submits that a huge amount of currency notes, which are said to have been looted in the bank dacoity has been recovered from the possession of the petitioner and his sister and as such complicity of the petitioner cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the fact that huge amount of



currency notes have been recovered from the possession of the petitioner and his sister, but till date neither the petitioner nor the recovered currency notes have been put on T.I.P., apart from the fact that the petitioner is in custody since 17.02.2021, and the petitioner is on bail in other two cases, besides the present one, 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.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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