

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63495 of 2021

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

Priyanshu Kumar, Son of Saroj Kumar Nirala, Resident of Village-
Chandpura Saidabad, P.S. Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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. Shivjee Singh, 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 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 Prince Kumar, thereafter self-confession of the petitioner was also recorded before the police. Later on, in course of search Rs.10,000/- currency notes and two mobile phones have been recovered from the house of the petitioner. However, the mobiles, which are said to have been recovered are said to be in the name of the father of the petitioner and one in the name of the petitioner and currency notes belong to the petitioner, kept for daily use. He further submits that the petitioner is also named in two other cases, however, in both the cases, the petitioner is on bail and now the investigation of the crime is already completed and charge-sheet has been submitted, though



the petitioner is in custody since 03.02.2021.

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, apart from his own confession with regard to his involvement in the crime. He next submits that Rs.10,000/- currency notes as well as two mobiles, which are said to have been looted in course of dacoity, have been recovered from the house of the petitioner.

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 basis of confessional statement of co-accused and neither the petitioner nor the currency notes, allegedly recovered from the house of the petitioner, have been put on TIP though the petitioner is in custody since 03.02.2021, apart from the fact that 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 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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