

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64728 of 2021

Arising Out of PS. Case No.-407 Year-2017 Thana- DHANARUA District- Patna

SIPU KUMAR @ SIPPU KUMAR S/o Late Ramswaroop Singh Resident of
Dariyapur, P.S.- Pipra, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 395 and 397 of the Indian Penal Code and section 27 of the Arms Act to which section 412 was added subsequently.

As per the prosecution case, the accused persons are stated to have shot the driver of the bank's vehicle carrying cash and Rs.45,00,000/ was looted.

It is submitted by learned counsel for the petitioner that the FIR was registered against six unknown accused persons. Referring to the detailed order of the learned trial Court rejecting the application for bail of the petitioner it is submitted that the name of the petitioner transpired in the confessional statement of coaccused Vikash Kumar, Vicky Kumar, Sanjeet



Kumar and Santosh Paswan made before the police. Vikash Kumar has been enlarged on bail vide order dated 5.11.2018 passed in Cr.Misc. no. 49067 of 2018, Ranjan Kumar @ Vicky Kumar has been enlarged on bail vide order dated 19.7.2018 passed in Cr.Misc. no. 43465 of 2018, Sanjeet Kumar has been enlarged on bail vide order dated 3.8.2018 passed in Cr.Misc. no. 46813 of 2018 and Santosh Kumar has been enlarged on bail vide order dated 11.5.2018 passed in Cr.Misc. no. 15835 of 2018. It is submitted that neither any incriminating article has been recovered from the possession of the petitioner nor has the petitioner been put on TI parade inspite of being in custody since 22.6.2019. The petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, grant of bail to the aforesaid four named accused persons on whose confessional statement the name of the petitioner transpired, the contents of the order of the learned trial Court wherein even as per the confessional statement it was Mukesh Kumar @ Bablu Kumar who shot at the security guard together with the petitioner having remained in custody for 2 years 9 months, the Court directs the



petitioner to be enlarged on bail in connection with S.Tr. No. 296 of 2021 with S.Tr. no. 395 of 2021 (arising out of Dhanarua P.S. Case no. 407 of 2021) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- 1st, Masaurhi on the following conditions:

1. One of the bailors shall be a close relative of the petitioner.

2. The petitioner shall cooperate in the trial in the learned trial Court and shall be properly represented in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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