

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67507 of 2021

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

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Saurav Kumar, S/o Arvind 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. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, 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. Ashok Kumar Mishra, 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 Priyanshu Kumar and thereafter search was made and in course of search Rs. 12,000/- currency notes along with Oppo mobile and a bag containing Pass-book of Axis Bank were recovered. However, neither the petitioner nor the alleged recovered incriminating material has been put on TIP for its identification, though the petitioner is in custody since 12.02.2021. He further submits that besides the present case, the petitioner is also named in other two cases, however, the petitioner is on bail in both the cases.

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.

Regard being had to the submissions made on behalf of the parties and materials available on record, it is evident that the entire case is based on confessional statement and save and except the confessional statement of co-accused persons and the self-confession of the petitioner, there is no material against him, neither the petitioner nor incriminating material, which has been recovered from his person or possession, has been put on Test Identification Parade, inasmuch, as the investigation of the crime is already complete and charge-sheet has been submitted and there is no chance of absconding of the petitioner or tampering with the evidence, 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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