

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70619 of 2021**

Arising Out of PS. Case No.-363 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Vibhu Kumar @ Aisharya Kumar, S/O Shashi Bhushan Prasad Singh, R/o
Village - Morsand, P.S. - Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 11-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Runnisaidpur P.S. Case No. 363 of 2019
registered for the alleged offences under Sections 326, 307 and
427 read with Section 34 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, the informant started with
cash van with Rs. 1 crore for loading the same in different
ATMs and further collected Rs. 15 lacs on his way for keeping
the same in safe-house. The cash van of the informant was
chased by unknown miscreants who fired upon the van and in



this firing the driver of the van got injured. However, miscreants could not loot the money and the same was deposited in the safe-house. The name of the petitioner transpired as an accused during investigation.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of statement of one Anand Kumar who was arrested in some other case and on the basis of his statement, the name of the petitioner was dragged in this case. The said Anand Kumar was produced before the learned Judicial Magistrate and his statement was recorded under Section 164 Cr.P.C., but he did not name this petitioner. Moreover, Anand Kumar was produced in some other case for recording his statement and not in the present case. It is also surprising that the said person narrated about the whole story to the police only on the next day of the occurrence, but the police did not apprehend the petitioner or any of the miscreants for sixteen months. Learned counsel further submits that said Anand Kumar is a psychiatric patient and is under treatment since 2011 and his father has sworn an affidavit in this regard. The father of the petitioner is an Advocate and he scolded the police on apprehending Anand Kumar as he was a psychiatric patient and due to this



annoyance, the petitioner has been falsely implicated in this case as well as Runnisaidpur P.S. Case No. 404 of 2019. The police extracted the confessional statement of this petitioner which has got no evidentiary value. In the aforesaid Runnisaidpur P.S. Case No. 404 of 2019 the petitioner was granted anticipatory bail by this Court vide order dated 08.01.2021 passed in Cr. Misc. No. 29428 of 2020. The petitioner is in custody since 30.09.2021. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of any substantive material against this petitioner to connect him with the alleged offence and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Sitamarhi, in connection with Runnisaidpur P.S. Case No. 363 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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