

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70577 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

Himanshu Singh Son of Manoj Singh @ Manish Kumar Singh Resident of
Village- Neknam Tola, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2022 Heard Mr. Vikramdeo Singh, learned counsel for the
petitioner and learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Ara Muffasil P.S. Case No.104/2021 instituted under
Section 25(1-b)a,26,35 of the Arms Act.

As per the prosecution case, it is alleged that on
27.04.2021, police received information that some unknown
miscreants are committing dacoity at Pirauta Punjab National
Bank. The police rushed to the place of occurrence, entered into
the bank, found a person falling on the ground and one desi
'Katta' has been recovered from his possession. It is further
alleged that on inquiry from CCTV footage, it transpired that
five persons entered into the Bank, committed dacoity and fled



away.

The present FIR has been registered on the recovery of the countrymade revolver inside the Bank.

It is submitted on behalf of the learned counsel for the petitioner that he is not named in the FIR nor any incriminating material has been recovered from possession of this petitioner. He further submits that his name has come only on the basis of the confessional statement of the accused Amit Kumar @ Vicky. He further submits that he has also not been covered in the Bank's CCTV footage. The counsel submits that the petitioner is in jail since 26.06.2021 and his last submission is that some of the co-accused including one Aryan Raj @ Rahul Kumar has since been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.62702 of 2021 on 18.04.2022.

Let the order dated 18.04.2022 passed in Cr. Misc. No.62702 of 2021 be kept on record.

Considering the fact that the petitioner is not named in the FIR, his name has cropped up on the confessional statement of Amit Kumar @ Vicky, has not been covered in the CCTV footage and is in jail since 26.06.2021 as also that some of the co-accused have been granted bail by co-ordinate Benches of this Court, this Court is inclined to grant him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Ara Muffasil P.S. Case No.104/2021 to the satisfaction of learned A.C.J.M.,IIIrd, Bhojpur at Ara, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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