

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59234 of 2022

Arising Out of PS. Case No.-243 Year-2020 Thana- BAUNSI District- Banka

ABHISHEK KUMAR @ MITHU @ ABHISHEK ANAND @ ABHISHEK
KUMAR SINGH S/o Ashok Singh R/o village- Acharaj, P.S.- Bounsi,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-11-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bounsi Police Station Case No. 243 of 2020, registered for the
offences punishable under Sections 395/397 of the Indian Penal
Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was dismissed as withdrawn, vide order, dated
18.04.2022, passed in Criminal Misc. No. 38020 of 2021, giving
liberty to the petitioner to renew his prayer for bail after five
months from the date of the order.

The allegation, as per the First Information Report, is



that the informant was accosted by five miscreant riding on motorcycles and they snatched away the bag of the informant, containing Rs. 2,80,000/- and while fleeing away, the accused persons fired upon the informant and the bullets hit the informant on his chest and arm.

Learned Counsel for the petitioner submits that the petitioner has been implicated in this case on the basis of the confessional statement of co-accused person and he has not committed any offence in the manner alleged. He further submits that no Test Identification Parade has been conducted by the police as of today and no incriminating material and/or looted article has been recovered from the possession of the petitioner. He further submits that the petitioner is in custody since 15.09.2020. He next submits that co-accused persons, namely, Sagar Kumar (by order, dated 08.07.2021 passed in Criminal Misc. No. 14340 of 2021), Ramesh Kumar (by order, dated 09.09.2021, passed in Criminal Misc. No. 15753 of 2021), Ankit Jha (by order, dated 22.10.2021, passed in Criminal Misc. No. 41447 of 2021) and Shuvam Kumar (by order, dated 02.11.2021, passed in Criminal Misc. No. 18655 of 2021), have been granted regular bail by co-ordinate Benches this Court.

After having heard learned Counsel for the parties and



taking into consideration the fact that the petitioner is in custody since 15.09.2020, similarly situated co-accused persons have been granted bail by this Court, the name of the petitioner transpired on the basis of the confessional statement of co-accused, and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Bounsi Police Station Case No. 243 of 2020.

This is subject to the conditions that one of the bailors of the petitioner shall be closely related to the petitioner and the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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