

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4238 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- BASANTPUR District- Siwan

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MANU @ KISHAN KUMAR @ KISHAN Son of Shankar Sah Resident of
Village - Piprahiya, P.S.- Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 03-05-2023 1. Heard learned counsel for the petitioner and

the learned APP for the State.
2. Petitioner seeks regular bail in connection

with Basantpur P.S. Case No.243 of 2022 dated 02.06.2022

registered for the offences punishable under Section 392 of the

Indian Penal Code and Section 27 of the Arms Act.
3. The main submissions advanced by the

learned counsel for the petitioner are that the instant matter

relates to loot committed in C.S.P. Bank by four accused

persons and as per prosecution's allegation one co-accused

Shailesh Kumar is stated to have been apprehended at the spot

by the villagers where the alleged occurrence of loot was being

committed and other co-accused persons managed to escape and

the said apprehended co-accused revealed the names of all the



co-accused persons including the petitioner and out of the said co-accused persons two co-accused persons namely Shailendra Kumar Manjhi and Pappu Manjhi @ Pappu Kumar Manjhi have been granted bail by a co-ordinate Bench of this Court vide orders passed in Cr. Misc. Nos.8040 of 2023 and 7107 of 2023 respectively and the case of this petitioner stands on similar footing with them. Further submissions are that though the petitioner is named in the FIR but his name surfaced in the statement of apprehended co-accused person and thereafter the police failed to recover any part of the looted money from his possession after taking him into custody and the petitioner was not put on Test Identification Parade and against him the investigation has been completed. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 17.08.2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period and his fair and clean antecedent and the privilege of bail having been granted to two similarly situated co-accused persons mentioned-above and also taking into account the petitioner's plea that after his arrest the



police failed to recover any part of the looted money from his possession and the said plea has not been refuted by learned APP and petitioner was not put on Test Identification Parade, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Basantpur P.S. Case No.243 of 2022.

(Shailendra Singh, J)

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