

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10020 of 2023

Arising Out of PS. Case No.-63 Year-2020 Thana- SUPAUL District- Supaul

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BABUL KUMAR @ BOLJI SHARMA @ BOLJI S/o Lakshman Sharma R/o
Village- Gunsa Tola Baheri, ward no. 15, P.S.- Singheshwar, Distt-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Veena Kumari Jaiswal

For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-02-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 178 of 2021, arising out of Supaul Police
Station Case No. 63 of 2020, registered for the offences
punishable under Section 395 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 rejected by this Court, vide order, dated
10.05.2022, passed in Criminal Misc. No. 52348 of 2021, giving
liberty to the petitioner to renew his prayer for bail after six
months from the date of the order, if the trial does not show any
progress.



The allegation, as per the First Information Report, is that six persons accosted the informant and others, who were going to purchase cattle and looted a sum of Rs. 200/- from the informant, Rs. 24,000/- from Murtaza, Rs. 50,000/- from Vakil, Rs. 72,000/- from Ali Hussain, Rs. 30,000/- from Md. Salim and Rs. 50,000/- from Abdul Rahim.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court. He further submits that the name of the petitioner transpired in this case on the basis of confessional statement of co-accused Rajesh Yadav and Panchanand Das and co-accused Rajesh Yadav has been granted bail by co-ordinate Bench of this Court, vide order, dated 27.07.2021, passed in Criminal Misc. No. 24880 of 2021. He further submits that the petitioner is in custody since 25.03.2021 and only one prosecution witness has been examined during the trial as yet.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 25.03.2021, no looted money has been recovered from the possession of the petitioner, the petitioner has not been put on Test Identification Parade and this is the second attempt on behalf of the petitioner for grant of regular bail, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Supaul, in connection with Sessions Trial No. 178 of 2021, arising out of Supaul Police Station Case No. 63 of 2020.

This is subject to the condition that 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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