

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26888 of 2023

Arising Out of PS. Case No.-107 Year-2021 Thana- SHANKARPUR District- Madhepura

Munna Kumar @ Munna Yadav @ Munna Kumar Yadav, Male, aged about 22 years, S/O Bhupendra Yadav Resident Of Village- Chauraha, P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in Sessions Trial No. 22 of 2023 arising out of Shankarpur P.S. Case No. 107 of 2021 dated 18.07.201, instituted for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of Arms Act .

3. The prosecution case, in short, is that on getting secret information about the planning for looting a bank, the informant along with other police personnel raided and on seeing the police, all accused persons were trying to flee away but on chase, one accused person, namely, Bandhan Kumar caught and on search, one country made pistol, two live cartridges and two mobile phones were recovered from the



possession of one Bandhan Kumar. During the course of investigation, he disclosed the name of the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the name of the petitioner transpired in this case only on the basis of confessional statement of another co-accused, namely, Bandhan Kumar. No incriminating articles have been recovered from the conscious possession of the petitioner. Learned counsel further submitted that one co-accused, Bandhan Kumar has been granted bail by a Co-ordinate Bench of this Court *vide order dated 31.08.2022 passed in Criminal Miscellaneous No. 29851 of 2022* of this Court. Lastly, it has been submitted that the petitioner is in custody since 10.09.2021, charge-sheet has been submitted in the case and he has thirteen criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Court of Additional District & Sessions Judge-V, Madhepura in connection with Shankarpur P.S. Case No. 107 of 2021, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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