

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29446 of 2023

Arising Out of PS. Case No.-320 Year-2020 Thana- DARBHANGA District- Darbhanga

Prem Kumar @ Prince, Son of Deepak Choudhary, Resident of Village-
Bahadurpur, P.S.- Samstipur (Town) and Distt- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Krishna Gopal Abhay, Advocate
	Mr. Aditya Prakash Sahay, Advocate
For the Opposite Party/s :	Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Darbhanga Town P.S. Case No.320 of 2020 registered for
the offences punishable under Sections 395 and 397 of the
Indian Penal Code.

The accused/petitioner not named in the FIR and is
in custody since 08.02.2021.

The allegation against the petitioner is to commit
dacoity and while committing so, looted jewellery worth
Rs.5,50,00,000/-(Rupees Five Crores Fifty Lakh) and cash from
the shop of informant.

Learned counsel appearing on behalf of the
petitioner submitted that name of petitioner surfaced on the



basis of confessional statement of co-accused, namely, Vikash Kumar and Tarun Kumar Mahto, where in furtherance thereof, no incriminating material recovered/surfaced during the course of investigation, which may incriminate this petitioner with the present set of dacoity/occurrence. It is also pointed out that there is no recovery of any gold jewellery or any alleged looted items from the possession of this petitioner. It is further submitted that petitioner was not put on T.I.P. It is also submitted that similarly situated co-accused namely, Golu Paswan @ Sudama has already granted bail by this Court vide order dated 15.12.2022 passed in Cr. Misc. No.44455 of 2022. It is also submitted by learned counsel that petitioner found involved in three more criminal cases, where he is on bail in one case and his criminal antecedent is also one of the reason of the suspicion to implicate him with the present occurrence, having otherwise no bearing over merit of this case. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioner is not named in the FIR.



In view of above-mentioned facts and circumstances, as no incriminating material recovered from the possession of this petitioner to connect with the present set of occurrence, where petitioner is in custody since 08.02.2021, coupled with the fact that charge-sheet has already submitted, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-XI, Darbhanga/concerned Court in connection with Darbhanga Town P.S. Case No.320 of 2020, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:

(i) That accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exception from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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