

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31232 of 2023

Arising Out of PS. Case No.-331 Year-2021 Thana- KUMAR KHAND District- Madhepura

LADDU KUMAR Son of Naresh Yadav Resident of village-Routa, Ward No.-
15, P.S.-Kumarkhand, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kumarkhand P.S. Case No. 331 of 2021 registered for the
offence under Section 392/34 of the Indian Penal Code and
added Sections 395, 412 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.06.2022.

The allegation against this petitioner is to commit
dacoity in Sripur Branch of North Bihar Gramin Bank and while
committing so taken away cash of Rs. 6,14,963/- and mobile
phones of the staffs.



Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner surfaced in present case on the basis of confessional statement of co-accused Amit Kumar, where during the course of investigation nothing incriminating material recovered/surfaced as to connect this petitioner, prima facie, with the occurrence. It is submitted that no looted cash or mobile phones were recovered from the possession of this petitioner. It is further submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in six more criminal cases, where he is on bail in three cases, where in maximum of cases his name surfaced on the basis of confessional statement of the co-accused, as of the present case, having otherwise no bearing over the merit of the case. Moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except confessional statement of co-accused, nothing incriminating appears during the course of investigation, as to connect him



with present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.06.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Kumarkhand P.S. Case No. 331 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in any criminal offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

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

(Chandra Shekhar Jha, J)

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