

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33165 of 2023

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Amit Raj @ Monu @ Monu Kumar Son of Ramdayal @ Ram Dayal Resident
of village - Banwaripur, ward no. 13, Rajendra Chauk, P.S. - Bhagwanpur,
Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-07-2023 Heard Mr. Md. Anis Akhtar, learned counsel

appearing on behalf of the petitioner and Ms. Asha Devi,

learned Additional Public Prosecutor for the State.

2. Application for grant of bail to the petitioner, who
is in custody, in connection with Cheria Bariyarpur P.S. Case
No. 55 of 2021, giving rise to Sessions Trial No. 382 of 2021,
registered for the offences punishable under Sections 395, 397
of the Indian Penal Code.

3. This is the second attempt made on behalf of the
petitioner for grant of bail, as earlier his prayer was turned down
by this Court *vide* order dated 19.09.2022 passed in Cr. Misc.
No. 51563 of 2021, after taking into consideration the fact that
the petitioner was put on Test Identification Parade and he was



identified by one of the person, apart from the fact that one black Honda Shine motorcycle has been recovered from the house of the petitioner which is alleged to be used in Bank dacoity.

4. Learned counsel appearing on behalf of the petitioner submits that though the prosecution has come out with a case that Honda Shine motorcycle which is allegedly used in the crime has been recovered from the house of the petitioner but the fact is that the motorcycle is in the name of the brother of the petitioner and during the course of investigation the registration number of the motorcycle has not been disclosed by any of the witnesses nor it transpired from the CCTV camera footage. He next submits that the charges have already been framed on 21.09.2021 but till date not a single witness has been examined, as would be evident from the status report submitted by the learned Trial Court. While concluding his submission, he also submitted that the petitioner is a man of fair antecedent and he undertakes that he will remain present on each and every date and will not indulge in intimidating the witnesses or tampering with the evidence if he would be released on bail. He has further drawn the attention of this Court to the order dated 21.06.2023 passed by this Court in Cr. Misc. No. 25936 of 2023 in relation



to one Bhola Kumar Chourasiya @ Bhola Chouasia, wherein said Bhola Kumar Chourasiya @ Bhola Chouasia was granted bail by this Court, after taking into consideration the lackadaisical approach of the prosecution and the period of custody.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the petitioner is the person who has been recognized in Test Identification Parade by one of the employee of the Bank as a miscreant involved in the bank dacoity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the charges were framed on 21.09.2021 but till date not a single witness has been examined and there is no likelihood of conclusion of the trial in near future, coupled with the fair antecedent and his undertaking, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 55 of 2021 giving rise to Sessions Trial No. 382 of 2021 with a condition that the petitioner will remain present on each and every date of



trial. His absence on two consecutive dates would result in
cancellation of his bail bonds.

(Harish Kumar, J)

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