

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40831 of 2023

Arising Out of PS. Case No.-573 Year-2021 Thana- MADHAURAH District- Saran

Piyush Kumar @ Prince, Son of Anil Singh, Resident of village - Bheldi, P.S.
- Bheldi, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Marhowrah P.S. Case No. 573 of 2021 registered on 04.10.2021 for the alleged offences under Sections 395 and 411 of the Indian Penal Code.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court vide order dated 25.07.2022 passed in Cr. Misc. No. 7530 of 2022 with liberty to the petitioner to renew his prayer for bail, if the trial is not concluded within a period of nine months.

4. As per prosecution case, Rs. 40,02,500 was looted from the informant by five motorcycle borne miscreants. The



name of the petitioner transpired during investigation as one of the accused persons.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that on the last occasion the prayer for bail of the petitioner was rejected on the ground that recovery of Rs. 4,19, 800/- of looted money was made from this petitioner but the said money was kept by the petitioner for purchase of jewellery, clothes and valuable articles for the purpose of marriage of his brother otherwise nothing incriminating was recovered from this petitioner. Learned counsel further submits that till filing of the present petition charges have not been framed. The petitioner is in custody since 11.10.2021 and is having clean antecedent.

6. Learned APP opposes the prayer for bail submitting that recovery of money has been made from this petitioner, who has been named by the co-accused.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and also considering the fact that no chance of early conclusion of trial before the learned trial court, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra /concerned court in connection with Marhowrah P.S. Case No. 573 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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