

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37672 of 2023

Arising Out of PS. Case No.-345 Year-2022 Thana- SIWAN CITY District- Siwan

ARBIND KUMAR @ ARBIND YADAV S/O KALAKATAR YADAV @
COLLECTOR YADAV R/O Village- Manpur, PS. Mahrajganj, Dist. Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Siwan Nagar P.S. Case No. 345 of 2022 registered for the offences punishable under Section 395 of the Indian Penal Code.

As per prosecution case, Rs. 22,44,116/- in cash has been taken away from Indian Bank (Unit 1), Siwan by 5-6 miscreants. It is further alleged that miscreants are in the age group of 18-25 years and hence, F.I.R. has been lodged against unknown.

Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired upon the confessional statement of co-accused Savindra Kumar @ Bhuar. Except confessional statement, there is nothing on record to



demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that co-accused Sri Prakash Tiwari @ Sri Tiwari has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 70337 of 2022 and the case of present petitioner stands on similar footing. No incriminating article has been recovered from the possession of the petitioner. No T.I.P. has been conducted uptill now. He further submits that petitioner is in custody since 17.02.2023 and bears criminal antecedent of seven cases out of which petitioner is on bail in six cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in



connection with Siwan Nagar P.S. Case No. 345 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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