

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39096 of 2022

Arising Out of PS. Case No.-303 Year-2021 Thana- MOTIPUR District- Muzaffarpur

=====

TUSHAR KUMAR @ ANUJ KUMAR SINGH @ CHHOTU SON OF
PRAKASH NARAYAN R/O VILLAGE- SAIN, P.S.- KANTI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs.Nitu Kumari

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Motipur
P.S. Case No. 303/2021 registered for the offences punishable
under Sections 397, 398, 400, 353, 307, 120(B)/34 of the Indian
Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms
Act.

As per prosecution case, 5-6 criminals entered into the
Bank of Baroda, Panchrukhi Branch and committed robbery and
there was exchange of firing between the police and criminals
and in the meanwhile one of the accused Prince Kumar injured



and during course of treatment he died. It is further alleged that 3-4 accused persons were apprehended on the spot alongwith arms and ammunition.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of petitioner transpired in this case on the basis of confessional statement of co-accused Prashant Kumar. The petitioner is languishing in custody since 18.02.2022 and bears criminal antecedent of two cases out of which in one case he is acquitted and in another case he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that no T.I. Parade has been conducted by the police till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Prashant Kumar, Dheeraj Kumar @ Dheeraj Singh and Rohit Kumar who were apprehended on the spot, have already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.10444/2022, Cr. Misc. No.8278/2022 and Cr. Misc. no.8288/2022 respectively and the case of present petitioner stands on better footing, keeping in view that he is not apprehended on the spot.



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

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, charge sheet has already been submitted in this 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 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd (West) Muzaffarpur in connection with Motipur P.S. Case No.303/2021, 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

