

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40135 of 2022

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

Akash Kumar S/o Amrendra Yadav R/o village- Kohbarh, P.S.- Kumarkhand,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 21.04.2022, in connection with Kumarkhand P.S. Case No. 331 of 2021, F.I.R. dated 29.11.2021 registered for the offences punishable under Sections 392/34 of the Indian Penal Code.

The allegation is of robbery of Rs. 6,14,963/- from North Bihar Gramin Bank, Rauta Branch and snatching of mobile from the Branch Manager, namely, Shakti Kumar (informant).

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of the confessional statement of co-accused persons, namely, Amit Kumar and Gautam Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather recovery has been made from co-accused persons namely Randhir Kumar and Gautam Kumar and till date no test identification parade was conducted by the prosecution. He further submits that co-accused person namely Gautam Kumar has been granted bail vide order dated 10.02.2022 by the learned Additional District & Sessions Judge-1st, Madhepura, another co-accused persons namely Randhir Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 21.09.2022 passed in Cr. Misc. No. 13204 of 2022, another co-accused persons namely Baua Yadav @ Shashi Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 14.02.2023 passed in Cr. Misc. No. 42147 of 2022 and the case of the petitioner stands on better footing that co-accused persons. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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, Madhepura in connection with Kumarkhand P.S. Case No. 331 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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