

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40551 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- BEUR District- Patna

=====

PRAFUL KUMAR S/O LATE DINESHWAR PRASAD SAHI Resident of
Panch Pakar Padaul, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 395 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.11.2020 and has antecedent of
three cases. It is next submitted that petitioner earlier was
arrested in Jakkanpur P.S. Case No. 316 of 2020 registered
under the Arms Act read with other Sections of the I.P.C., in
which he was taken in custody on 03.07.2020, on the same day
S.K. Puri P.S. Case No. 164 of 2020 was also instituted under
the Excise Act. The learned counsel thus submits that prior to
institution of Jakkanpur P.S. Case No. 316 of 2020 and S.K. Puri



P.S. Case No. 164 of 2020 the petitioner was a person with clean antecedent. It is further submitted that while petitioner was in custody in Jakkanpur P.S. Case No. 316 of 2020, he was made to confess his participation in the present case which relates to Bank dacoity where an amount of Rs. 52,58,500/- is alleged to have been looted by 6-8 unknown criminals.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that Bank was having C.C.T.V. but it is alleged that the wires were cut, the learned counsel next submits that even if the wire was cut then also when the accused persons were entering the Bank at that time the C.C.T.V. was working but no effort was made by the police during the course of investigation to take out those footages which were captured in the C.C.T.V. at the time of entry of the criminals. It is also submitted that during the course of investigation it has come that Bank's Staffs have stated that one accused became unmasked and they identified him but still the petitioner was not put on T.I.P. The learned counsel next submits that since police was not able to solve the present case as such the petitioner was made to confess his participation in the present occurrence in Jakkanpur P.S. Case No. 316 of 2020. The learned counsel very fairly submits that



after his confession it is alleged that an amount of Rs. 49,000/- and odd was also recovered from the house of the petitioner, but the said amount was very meager in comparison to the loot which is alleged to have been committed in the Bank, it is next submitted that even the FIR does not disclose any details with regard to the cash by which it could have been identified whether the money recovered was of the Bank or was the money of the petitioner or his family members. The learned counsel next submits that charges have been framed and the petitioner will not abscond rather will co-operate in the trial.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, 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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Beur P.S. Case No. 154 of 2020.

One of the bailors shall be the cousin brother of the petitioner namely Kamlesh Gaurav.

Further, if the learned trial court comes to a



conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

Shivam/-

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

