

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44378 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Jaiki Dom @ Jaiki Kumar, aged about 30 years, Gender-Male, Son of Late Ram Babu Dom @ Late Ram Babu Ram, Resident of- Jila School Dom Toli, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 23-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Udwantnagar P.S. Case No. 106/2022 registered for the offence punishable under Section 394 & 120 B of the Indian Penal Code (for brevity 'IPC').

There is allegation that four (4) persons have entered the Bank. They have assaulted some customers and took away total Rs. 12,96,469/- (twelve lakhs ninety six thousand four hundred & sixty nine).

Learned counsel for the petitioner submits that upon his arrest in Ara Nagar P.S. Case No. 232 of 2022, the petitioner has been remanded in the present case on alleged confessional statement of co-accused, which has no evidentiary value. Submission is that the petitioner is on bail in one case pending against him since before, as per paragraph No. 3 of the bail application. The petitioner has not been put on Test Identification Parade and there is no recovery so as to connect him with the alleged occurrence. Similarly situated co-accused have been allowed bail in Cr. Misc Nos. 55322/2022, 46550/2022, 53856/2022.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, manner of his implication and period of custody since 25.03.2022, and petitioner's claim for parity in the matter of grant of bail, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur, Ara, in connection with Udwanthnagar P.S. Case No. 106/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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