

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57307 of 2023

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

SUMIT YADAV @ KUMAR SAMIR @ SAMIR KUMAR @ RAJA YADAV
Son of Subhash Prasad Singh Resident of Village Khilwat, P.S.-Bidupur,
District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023

Heard the parties.

The petitioner is an accused in connection with S.T. No. 281 of 2022 arising out of Hajipur Town P.S. Case No. 1052 of 2019 registered for the offences under sections 395, 397, 412, 201 and 120(B) of the Indian Penal Code lodged on 23.11.2019 by the informant, Subodh Kumar Singh.

As per the prosecution story, the allegation is that the accused persons barged into the office of Muthoot Finance of Hajipur (Vaishali) and after locking the employees in a room, took away Rs. 55.777 kg gold and cash of Rs. 50,000/-. Accordingly, the FIR was lodged in this case.

It is the case of the petitioner that he has been implicated only on the confessional statement of co-accused, Suryaveer Kumar and in the CCTV footage in which seven



accused persons were identified, he is one of them. Further, submission is that some of the accused persons have been granted bail in Cr. Misc. No. 33308 of 2021 on 07.10.2021 (Chanchal Kumar vs. State) (Annexure 2), no T.I.Parade conducted.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has 14 criminal cases under his belt.

Taking into account the submissions put forward by the learned Counsel for the petitioner, his name has come in the confessional statement, no T.I.Parade conducted, he is in custody since 04.10.2021, this Court is inclined to extend him privilege of bail but only after framing of the charges in view of the fact that 14 criminal cases under his belt.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-V, Vaishali at Hajipur in connection with S.T. No. 281 of 2022 arising out of Hajipur Town P.S. Case No. 1052 of 2019, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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