

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73103 of 2023**

Arising Out of PS. Case No.-145 Year-2023 Thana- LAKHISARAI District- Lakhisarai

GAURAV KUMAR S/o- BHUPENDRA YADAV Village- Phulmalik Ps-
Sahebpur Kamal Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANANYA, BRANCH MANGER, DAKSHIN BIHAR GRAMIN BANK,
BRANCH-GADHI-BISHANPUR R/O PATNA WEST MUSTAFAPUR, PS.
KHAGAIL, DIST. PATNA, MOBILE NO. 9123407381 (BIHAR)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Lakhisarai P.S. Case No. 145 of 2023 registered under Sections 392, 395, 412 and 120(B) of the Indian Penal Code and Section 25 (1-B)A, 26 of the Arms Act lodged on 27.02.2023 by the informant, Ananya.

3. As per the prosecution story, the accused persons entered the South Bihar Gramin Bank, Gadhibishanpur Branch, Lakhisarai and on the point of pistol took away Rs. 94,050/-. The incident was recorded in the C.C. T.V. camera. Later, on the basis of C.C. T.V. footage, Kundan Kumar and Sujit Kumar were apprehended, who gave the name of the petitioner in the



confessional statement. This led to the petitioner being arrested in the present case and is in custody since 24.04.2023 (as stated in paragraph-4 of the petition).

4. Learned counsel for the petitioner submits that in the C.C. T.V. footage, the petitioner is not present, his name has come in the confessional statement and despite being in custody, no Test Identification Parade conducted.

5. Learned APP on the other hand, submits that his name has come in the confessional statement which has also been incorporated in the order of the learned Sessions Judge and the matter relates to bank *dacoity*. She as such, opposes the prayer for bail.

6. Taking into account the fact that the petitioner's name has come in the confessional statement, no T.I. Parade conducted nor there is anything on record to show that the amount has been recovered from his possession, he do not have criminal antecedent and is in custody since 24.04.2023, this Court is inclined to grant him privilege of bail but only after framing of the charge.

7. Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 145 of 2023 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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.

(Rajiv Roy, J)

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