

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73689 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- KUMAR KHAND District- Madhepura

LADDU KUMAR SON OF NARESH PRASAD RESIDENT OF VILLAGE
- ROUTA, WARD NO. 15, PS- KUMARKHAND, DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kumarkhand P.S. Case No. 36 of 2022 in Session Trial No. 226 of 2023 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. As per prosecution case, five unknown persons entered in Bihar Gramin Bank, Kumarkhand and on the point of pistol, they took away Rs. 44,000/- cash from the cash counter and Rs. 8,81,741/- cash from the shelf. Hence, F.I.R. has been lodged against five unknown persons.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. He further submits that the name of the petitioner has been transpired in this case upon the



confessional statement of co-accused Kuldeep Kumar and Dilip Kumar which has no evidentiary value in the eye of law. Except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No T.I.P. has been conducted up till now. No incriminating article has been recovered from his possession. Petitioner is in custody since 24.06.2022 and bears criminal antecedent of six cases. Petitioner is quite innocent and has falsely been implicated in the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on similar and identical allegation, co-accused Baua Yadav @ Shashi Kumar, Akash Kumar and Prashant Kumar have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. Nos. 42204 of 2022, 33732 of 2022 and 35794 of 2022 respectively and on the principle of parity, the present petitioner is also entitled for the same treatment.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on



behalf of both sides and also taking into consideration the material available on record, 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 Additional Chief Judicial Magistrate – IV, Madhepura in connection with Sessions Trial No. 226 of 2023 arising out of Kumarkhand P.S. Case No. 36 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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