

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69255 of 2022**

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

Prakash Kumar @ Lallu S/o Anil Kumar R/o Mohalla- Shri Tola, Ara, P.S.-
Ara Nawada, Distt- Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 394, 120B of the Indian
Penal Code.

The allegation is that four persons have entered the
Bank and they have assaulted some customers and took away
total Rs.12,96,496/-.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner
is not named in the F.I.R. and the name of the petitioner has
been transpired during investigation on the basis of confessional
statement of co-accused namely, Nagendra Paswan and Nikhil
Kumar. He further submits that nothing has been recovered from



the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of co-accused, no cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons namely, Suraj Kumar Upadhyay @ Tiger @ Suraj Kumar, Anand Kumar @ Bholu, Praveen Kumar Pandey @ Chhotu Pandey and Jaiki Dom @ Jaiki Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022, 23.12.2022, 22.12.2022, 23.01.2023 passed in Cr. Misc. No. 55322 of 2022, Cr. Misc. No. 53856 of 2022, Cr. Misc. No. 46550 of 2022 and Cr. Misc. No. 44378 of 2022 respectively. The petitioner is in custody since 17.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Udwant Nagar (Gajrajganj) P.S. Case No. 106 of 2022, subject to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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