

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73404 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- SAMASTIPUR District- Samastipur

MUKUL KUMAR @ SRIKANT ROY @ VICKY @ BHAGINA S/O ANIL
RAY R/O VILLAGE-DHIGHI, P.S.-SADAR HAJIPUR, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Samastipur Town P.S. Case No. 199 of 2022 for the offence punishable under Sections 397 and 398 of the Indian Penal Code and section 27 of the Arms Act lodged on 18.7.2022 by the informant, Ramesh Chandra Jha.

3. As per the prosecution story, the accused persons variously armed entered the Bank and after snatching the informant's gun assaulted him, further, one of the accused opened fire which however hit the pillar of the branch. The informant sustained injury on his head due to assault by the butt of the pistol. As some of the staff switched on the siren, in panic, the accused persons were forced to retreat and could not



succeed in the loot of the Bank. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement of Arshad Alam whereafter he is in custody since 29.11.2022 (para-1 of the petition). He, however, concedes that he has criminal antecedent inasmuch as six of them are of the same nature. He further submits that the accused Arshad Alam who has 16 criminal cases under his belt has already been granted bail in B.P. No. 525 of 2023 on 9.5.2023 by the Court of learned Additional Sessions Judge-VIIth, Samastipur which he has annexed as Annexure-P/2 to the petition. The other two bail petitions are numbered as B.P. No. 417 of 2023(Vikash Kumar @ Vijay Mukhiya) and B.P. No. 645 of 2023 (Ranjeet Thakur @ Ranjeet Kumar) in which too, the learned Additional Sessions Judge-VIIth, Samastipur has granted bail to the accused persons.

5. He submits that in that backdrop, when a person with 16 criminal antecedents has been granted bail by the learned Additional Sessions Judge-VIIth, Samastipur itself, he with six criminal cases and the custody period, as stated above deserves bail too.

6. Learned APP opposes the prayer stating that he has six criminal cases and the allegation is grave. Only because



some of the staffs switched on the siren that the Bank loot could not take place.

7. Though, considering the seriousness of the case and the criminal antecedents of the petitioner, this Court was not inclined to grant him the privilege of bail, in view of the fact that the accused, Arshad Alam with 16 criminal cases and on whose confession, the petitioner has been implicated has been granted bail by the Court of learned Additional Sessions Judge-VIIth, Samastipur itself, it would be appropriate that the petitioner is also extended the same privilege but only after the framing of the charges. Accordingly, ordered.

8. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Samastipur Town P.S. Case No. 199 of 2022 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 fortnight for next six months to mark his 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 the 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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

10. Let a copy of the order be forwarded to the Hon'ble Inspecting Judge, Samastipur Judgeship for his Lordship's kind perusal.

(Rajiv Roy, J)

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