

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5263 of 2024

Arising Out of PS. Case No.-393 Year-2020 Thana- PATRAKARNAGAR District- Patna

Sakaldip Kumar @ Sakaldeep Kumar Son Of Vishwanath Paswan @
Vishvanath Paswan Resident Of Sandho Mubarakpur, P.S.-Goraul, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Session
Trial No. 740 of 2022 arising out of Patrakar Nagar P.S. Case No.
393 of 2020 registered for the offences punishable under Section 392
of the IPC.

3. As per prosecution case, three miscreants on the
point of pistol looted cash, gold and silver jewellery and it is alleged
that total amount of looted article is about 15 lakh alongwith Rs. 40-
50 thousand cash. It is further alleged that miscreants also looted the
customers' jewellery.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his named has been transpired
in the present case upon the confessional statement of co-accused,



Abhishek Kumar, in Kankarbagh P.S. Case No. 515 of 2020 and petitioner has been remanded in the present case from the said case and he has already been granted bail in the said case. Except confessional statement of co-accused Abhishek Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 22.08.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now. He further submits that co-accused, Avinash Prasad, has already been granted bail vide Cr. Misc. No. 31859 of 2021 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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 Sessions Judge-XI, Patna in connection with Session Trial No. 740 of 2022 arising out of Patrakar Nagar P.S. Case No. 393 of 2020 , 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)

vashudha/-

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