

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29431 of 2024

Arising Out of PS. Case No.-324 Year-2021 Thana- HARNAUT District- Nalanda

Babloo Kumar @ Babloo Yadav @ Baljeet Kumar son of Narayan Yadav @
Narayan Kumar, resident of Village- Jorarpur Ps- Harnaut Dist- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Harnaut P.S. Case No. 324/2021 registered for the offences
punishable under Section 394 of the Indian Penal Code.

3. As per prosecution case, thee unknown miscreants
have looted Rs.15,000/- from Suresh medical shop and
Rs.5,000/- from Mathura medical shop.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on suspicion. The petitioner is not named in the FIR
and the name of petitioner transpired in this case on the basis of
confessional statement of co-accused Raushan Kumar @ Aryan
Kumar. Except confessional statement of co-accused, there is



nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. The petitioner is languishing in custody since 14.02.2023 and bears criminal antecedent of seven cases. The petitioner has been roped in a case one after another in a routine manner. Learned counsel for the petitioner orally submits that in all seven cases, he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. On similar and identical allegation co-accused Mohan Kumar has already been granted bail by this Court vide Cr. Misc. No.39114 of 2022 and on principle of parity the petitioner also deserves same treatment.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Harnaut P.S.



Case No. 324/2021, 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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