

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31482 of 2024

Arising Out of PS. Case No.-328 Year-2022 Thana- KOTWA District- East Champaran

Munna Kumar Son of Chhote Lal Rai Resident of Village- Sundarapur Malahi
Tola, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-08-2024 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No.162 of 2024 arising out of Kotwa P.S. Case No. 328 of 2022 for the offence punishable under Sections 395 of the Indian Penal Code and Section 27 of the Arms Act, lodged on 13.08.2022 by the informant, Munna Kumar.

3. As per the prosecution story, the informant was running a Customer Service Centre of Central Bank of India and on that particular day, the shop was opened with a cash of Rs.6.1 Lakhs. He went out and his nephew was running the centre. In the meantime, accused persons came on two motorcycles and looted away Rs.5,12,000/- along with ATM Cards/Debit Card and Cheque Book. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he was arrested in a different criminal case on 24.08.2022 and



remanded in the present case on 03.12.2022 and in the police custody, he was forced to confess the crime, though, he is in custody for last two years, Test Identification Parade has not been conducted. The further submission is that only because he is accused in other cases, in the present case also implication came. The last submission is that similar situate other accused persons have been granted the privilege of bail in Cr. Misc. No. 28255 of 2024 (Rakesh Kumar) and Cr. Misc. No.54904 of 2023 (Bablu Kumar and Anr.).

5. Learned APP opposes the prayer for bail submitting he has criminal antecedent.

6. Though, he has criminal antecedent, it has been submitted that the Test Identification Parade has not been conducted, similar situate other persons have been granted bail, as stated above, this Court is inclined to extend him the privilege of bail. If however, if it is found that contrary to the submissions put forward by the learned counsel for the petitioner, if the Test Identification Parade was conducted and he was identified, the order shall become infructuous.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional



Sessions Judge-13, East Champaran at Motihari, in connection with Sessions Trial No.162 of 2024 arising out of Kotwa P.S. Case No. 328 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 month till trial 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.

(Rajiv Roy, J)

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