

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45287 of 2024

Arising Out of PS. Case No.-56 Year-2021 Thana- BIDUPUR District- Vaishali

Akash Kumar @ Akshay Kumar @ Suraj Son of Pramod Singh @ Pramod Kumar Sinha Resident of village - Maudah Buzurg, P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 09-08-2024 Heard learned counsel for the Petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with Bidupur P.S. Case No. 56 of 2021 dated 28.01.2021 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

3. Mrs. Bela Singh, learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR and he has been made accused mainly on the basis of confessional statement of co-accused Murari Kumar and Prince Kumar recorded by them before the police and both the said co-accused persons are on bail granted by the co-ordinate Benches of this Court vide orders dated 12.05.2023 and 28.09.2022 passed in Cr. Misc. Nos. 17534 of 2023 and 57607 of 2021 respectively



and the case of this petitioner stands on better footing from the said co-accused persons. It is further submitted that the petitioner was not put on test identification parade after he was taken into custody and neither any part of the looted money nor any incriminating material was recovered from his possession and against him, the investigation has been completed and he has been languishing in jail since 28.04.2024.

4. During the course of hearing of this Criminal Miscellaneous Petition, the case diary is handed over to learned APP for the State to assist this Court. After perusing the case diary, learned APP has opposed the bail prayer and pointed out only two circumstances being against this petitioner, first is the statement of co-accused Murari Kumar given before the police and second is the statement of co-accused Prince Kumar, except this, no incriminating admissible evidence showing the petitioner's involvement in the alleged bank dacoity has been pointed out by learned APP. Though learned APP submits that the petitioner was also involved in the alleged dacoity and he was member of the plan made by the accused persons to commit the offence of dacoity in the bank and he actively participated in the said offence.

5. Having considered the above submissions and



mainly taking into the petitioner’s plea that there is no admissible evidence against him except the confessional statement of co-accused persons Murari Kumar and Prince Kumar and in rebuttal of the said defence, no material or evidence has been pointed out by learned APP after going through the case diary and the said two co-accused persons, who revealed the name of this petitioner, are on bail coupled with the completion of investigation against the petitioner, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Bidupur P.S. Case No. 56 of 2021.

(Shailendra Singh, J)

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