

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61917 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- UJIYARPUR District- Samastipur

Kishan Kumar, Son of Jitendra Giri, Resident of Village - Adharpur,
Jogiamath, Police Station - Karpurigram, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Ujiarpur P.S. Case No. 420 of 2023 registered for the offence punishable under Section 393 of the Indian Penal Code and the charge-sheet has been submitted under Section 395 and 412 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the informant was running a CSP of State Bank of India, on 14.11.2023 at 11:00 A.M., three miscreants covered their faces entered in the SBI Customer Service Point (CSP) with intention to commit robbery on the point of pistol but having found no money from the informant, they took away bag containing cheque books and KYC form.



4. It is contended on behalf of the petitioner that admittedly, the FIR has been instituted against unknown miscreants. In the alleged incidence of loot, no loss has been caused to any person, much less to the informant. It is next contended that the other co-accused persons having identical allegation have been allowed the privilege of regular bail by the co-ordinate Bench of this Court, the copies of which have been produced as Annexure-P-2. It is further contended that neither the petitioner has been put on T.I. parade nor any incriminating material has been recovered. Now, the petitioner has been incarcerated since 20.12.2023.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and referring to para-3 of the bail application submitted that the petitioner bears seven criminal antecedent and, as such, he appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been sprung up on the confessional statement of co-accused Nitish Kumar, coupled with the fact that no incriminating material has been recovered from the person or possession of the petitioner as well as and the period of custody and the



fact that the other co-accused persons having similar allegation have been enlarged on bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Dalsinghsarai, Samastipur in connection with Ujiarpur P.S. Case No. 420 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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