

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66771 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- LAKHISARAI District- Lakhisarai

BYAS KUMAR Son of Kailash Yadav Resident of Village-Katariya, P.S.-
Muffasil, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 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 Lakhisarai P.S. Case No. 145 of 2023 registered for the offences punishable under Sections 392 of the Indian Penal Code and later on Section 395, 412, 120B of the Indian Penal Code and Sections 25(1-b)a and 26 of the Arms Act were added.

3. As per prosecution case, two persons made intrusion into the Gramin Bank, South Bihar and on the point of weapon, they looted Rs. 94,050/- in cash from the said bank and F.I.R. was lodged against unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. The name of the petitioner has been transpired in this case upon the confessional statement of



Kundan Kumar and Sujeet Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. has been conducted up till now. He further submits that from the perusal of F.I.R., it appears that only two persons made intrusion into the said bank and during the course of investigation it is found in CCTV footage that two persons namely Kundan Kumar and Sujeet Kumar entered into the bank and committed the said occurrence. Petitioner is not in any way connected with the present occurrence. He further submits that on similar and identical allegation, co-accused Gaurav Kumar has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 73103 of 2023 and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 24.04.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that on the basis of tower location and confessional statement of co-accused, the name of the petitioner has been transpired in the present case. He further submits that Rs. 993/- has been recovered from the



house of co-accused Kundan Kumar, as mentioned in para 63 of the case diary and on the basis of tower location, the involvement of petitioner cannot be ruled out.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 145 of 2023, 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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