

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72867 of 2023**

Arising Out of PS. Case No.-36 Year-2022 Thana- KUMAR KHAND District- Madhepura

ANUJ KUMAR @ BAMBAM YADAV S/O AMRENDRA YADAV @  
AMRENDRA KUMAR R/O VILLAGE- KOHWARA, P.S-  
KUMARKHAND, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate  
For the Opposite Party/s : Mr. Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      02-02-2024                      Heard the parties.

2. The petitioner is in custody in connection with Kumarkhand P.S. Case No. 36 of 2022 for the offence under Section 395 of the Indian Penal Code lodged on 20.01.2022 by the informant, Chandan Kumar Thakur.

3. Earlier the case of the petitioner was heard and rejected twice vide order dated 30.09.2022 and 08.02.2023 passed in Cr. Misc. No. 38991 of 2022 and Cr. Misc. No. 7669 of 2023 respectively.

4. Again, a fresh application has been preferred



whereafter a report was called for, which has since been received vide letter no. 110 of 2023 dated 24.11.2023 according to which three witnesses have been examined.

5. As per the prosecution story, five unknown accused persons entered the Bank and on the point of pistol, took out Rs. 45,000/- (rupees forty five thousand) from the cash counter and Rs. 8,81,741/- from the safe. They thereafter left but not before snatching the mobile phone of the informant. All of them were masked and were 20-25 years of age. Accordingly, the FIR was lodged.

6. Learned counsel for the petitioner submits that he will be diligently appearing in the trial, has only one criminal case against him that relates to Arms Act and not under section 395 of the Indian Penal Code and is in custody since 23.04.2022. Further, the others have been granted bail which has been annexed as Annexure P/4 series.

7. Learned APP opposes the prayer stating that the petitioner may misuse the bail once out and will delay the Trial.

8. Taking into account the submissions put forward by the parties as also that he is in custody since 23.04.2022 (as stated in paragraph 11 to the petition), the similar situations others have been granted bail, the petitioner will be appearing in the



trial diligently without fail on each and every date, this Court is inclined to extend him privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, Madhepura in connection with Kumarkhand P.S. Case No. 36 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for 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 the conclusion of the 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.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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