

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71202 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- ASHTHAWAN District- Nalanda

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SHAMBHU KUMAR @ SHANKAR, SON OF MAHENDRA PRASAD @
MAHENDRA RAUT, R/O VILLAGE- ANDI, P.S- ASTHAWAN,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 05-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Session Trial no.504 of 2023, arising out of Asthawan P.S. Case no. 12 of 2023 registered under section 395 of the Indian Penal Code.

3. As per the prosecution case, five unknown accused persons entered the house of the informant and on the point of pistol, knife etc looted Rs.5.05 lacs in cash as also Rs.40,000/- in cash from the almirah besides other article including ornaments as stated in the FIR.

4. Learned counsel for the petitioner submits that the



FIR was registered against unknown. The name of the petitioner transpired in course of investigation when allegedly the informant identified three of the accused persons including the petitioner herein in the T.I.Parade. The petitioner is in custody since 26.1.2023 and undertakes to cooperate in the trial which is proceeding. Co-accused Shrawan Yadav @ Barahil who was also identified by the informant in the T.I.Parade has been enlarged on bail vide order dated 22.11.2023 passed in Cr. Misc. no.73012 of 2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation against this petitioner, grant of bail to Shrawan Yadav @ Barahil by the aforesaid order dated 22.11.2023 and the petitioner having remained in custody for more than 1 year since 26.1.2023, the petitioner is directed to be enlarged on bail in connection with Session Trial no.504 of 2023 (arising out of Asthawan P.S. Case no. 12 of 2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions



Judge-III, Nalanda at Biharsharif on the following conditions:-

(I) The petitioner shall remain physically present in the trial court on each date of the trial and shall cooperate in the trial.

(II) In case of the petitioner not cooperating in the trial or the petitioner remaining absent on any date for reasons not to the satisfaction of the learned trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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