

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31553 of 2024

Arising Out of PS. Case No.-313 Year-2022 Thana- AMNAUR District- Saran

Hari Kishore Prasad S/o Rajendra Prasad R/o Vill - Gopalpur, P.S. -
Bhagwanpur Hat, Dist. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Singh, Advocate
For the State : Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

11 17-04-2025 Heard the learned counsel for the petitioner, and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Amnaur P.S. Case No. 313 of 2022, registered for the offence punishable under Section 392 of the Indian Penal Code.

3. The prosecution story in short is that when informant was going to Amnour, on the way, a van intercepted him and four persons are said to have looted the consignment loaded on pick-up van. It has further been alleged that they were carrying country-made pistol.

4. Leaned counsel for the petitioner submits that petitioner is innocent and he is not named in the FIR and his name has surfaced on the basis of confessional statement of one co-accused namely, Jitendra Prasad. Learned counsel further



submits that no stolen article has been recovered from possession or premises of the petitioner. He further submits that similarly situated co-accused person namely, Jitendra Prasad, in whose confessional statement the name of the petitioner has surfaced, has been granted bail by a Co-ordinate Bench of this Hon'ble Court *vide* order dated 28.06.2024, passed in Criminal Misc. No. 20574 of 2024. Lastly, it has been submitted that the petitioner is in custody since 19.06.2023 and till date no Test Identification Parade has been conducted either to identify the material or the persons.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner along with others are indulged in looting and the petitioner carries the similar nature of antecedent, hence, he does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case and the fact that similarly situated co-accused persons in whose confessional statement the name of the petitioner has surfaced has been granted bail by a Co-ordinate Bench of this Hon'ble Court *vide* order dated 28.06.2024, passed in Criminal Misc. No. 20574 of 2024, I am inclined to grant the petitioner privilege of regular bail.



7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released 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 court of learned Additional Chief Judicial Magistrate, VIII, Saran at Chapra, in connection with Amnaur P.S. Case No. 313 of 2022 subject to the following conditions :

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case the prosecution is found the petitioner's involvement in similar nature of offence after his release and in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Sourendra Pandey, J)

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