

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23560 of 2017**

Arising Out of PS.Case No. -431 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. SUJEET KUMAR PATHAK @ RAM BALAK PATHAK @ BALAK PATHAK @ SUJEET PATHAK, Son of Shambhu Pathak @ Sujeet Pathak, resident of Village- Ashin Chak, P.S. Dalsingsarai, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rashmi Kumar, Daughter of Sir Giresh Kumar Jha, Branch Manager, Bank of Baroda Hari Shankarpur, Branch, P.S. Dalsingsarai, District- Samastipur.

.... .... Opposite Party/s

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with

**Criminal Miscellaneous No.21845 of 2017**

Arising Out of PS.Case No. -431 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Kishore Pathak @ Kallu Pathak @ Kishore Kumar Pathak, son of Late Dayanand Pathak, Resident of Village- Asinchak, P.S.- Dalsingsarai, District- Samastipur, Pin- 848114.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rashmi Kumari, Daughter of Sir Giresh Kumar Jha, Branch Manager, Bank of Baroda Hari Shankarpur, Branch, P.S.- Dalsingsarai, District- Samastipur.

.... .... Opposite Party/s

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**Appearance :**

(In Cr.Misc. No.23560 of 2017)

For the Petitioner/s : Mr. Anirudh Kumar Sinha  
For the Opposite Party/s : Mrs. Smt. Pronati Singh  
For Bank of Baroda : Mr. Ravi Verma

(In Cr.Misc. No.21845 of 2017)

For the Petitioner/s : Mr. Anirudh Kumar Sinha  
For the Opposite Party/s : Mr. Sri Sanjay Kumar  
For the Bank of Baroda : Mr. Ravi Verma

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**



4      30-06-2017                      Heard both sides.

The petitioners seek bail in Dalsingsarai P.S. case No. 431 of 2016 under Section 393, 398, 302, 120(B) of the Indian Penal Code.

The Branch Manager, Bank of Baroda, Hari Shankarpur branch, alleged that attempt was made to commit theft/ dacoity in the branch. Gas cylinders, cutters etc. were found. A villager was also shot dead near a shop situated adjacent to the bank.

The learned counsel for the petitioners submits that petitioners are not named in the FIR. The names of petitioners were figured in the confessional statement of co-accused, Shivam Kumar Choudhary @ Kar Babu. Save and except confession of Shivam Kumar Choudhary @ Kar Babu the I. O. did not collect any material to show the involvement of the petitioners in the alleged attempt of dacoity and killing of one person. Similarly situated accused Shivchandra Kashyap @ Shivam Choudhary has already been granted bail vide order passed in Cr. Misc. No. 16456 of 2017 and the case of petitioners stands on the better footing.

On the other hand, the learned Additional Public Prosecutor as well as the learned counsel for the Bank of Baroda



have submitted that Shivam Kumar Choudhary @ Kar Babu has confessed his guilt and disclosed that how he along with others made attempt to commit dacoity in the bank and killed a person, who raised alarm, but from perusal of the records, it appears that petitioners are not named in the FIR. Save and except confession of Shivam Kumar Choudhary @ Kar Babu, one of the accused, the I. O. did not collect any further material to show involvement of the petitioners. The petitioners are in jail since 28.12.2016.

Considering the facts aforesaid and the fact that similarly situated accused has already been granted bail, the above named petitioners are directed to be enlarged 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 learned Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur in Dalsingsarai (Samastipur) P.S. Case No. 431 of 2016.

**(Prabhat Kumar Jha, J)**

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