

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16245 of 2016

Arising Out of PS.Case No. -318 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Kanhai Yadav son of Late Sharwan Yadav, resident of Village- Raghapur
Tikar, P.S. Madhusudanpur (Nathnagar), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in jail custody since
11.12.2015 in connection with S.T. No.153 of 2016 (arising out
of Kotwali (Adampur), P.S. Case No.318 of 2015) for offences
punishable under sections 312, 395 and 397 of the Indian Penal
Code and section 3/4 of Explosive Substances Act.

The prosecution case is that on 26.05.2015 Kishore
Kumar Chaudhary Senior Manager of Bihar Gramin Bank was
working with other Assistants and staffs, Assistant
Manager Imanuel Hari Das Hansda, Officer Neha Kumari
Choudhary, Clerk Hemlata Kumari, Cashier Jai Shankar,
Messenger Rekha Kumari were present in the Bank at that time
and two officers namely Ritu Singh and Shipra Sinha were in



training at Tilkamanjhi Branch and one peon namely Ajeet Kumar was on the leave. He has also stated that he was working in his Cabin near entrance of branch. At about 4:30 P.M. six Criminals entered into the Bank with pistol and captured all the staffs and brought them in the bath room. Two Criminals came near the cashier Jai Shankar with arms and one criminal assaulted on the mouth with butt of pistol and the cashier to open the bolt. Further case is that the miscreants took away the mobile of all the Bank staffs and keys of cash bolt. After that they gave order to cashier to open strong room and took away cash amounting to Rs.49,10,372/- and thereafter they opened the door of the bath room. All the cash were kept in a plastic bag and they were speaking in Hindi.

It has been submitted by learned counsel for the petitioner that no recovery has been made from his possession and some of the co-accused have since been granted the privilege of bail by a Coordinate bench of this Court in whose possession some recovery was made in Criminal Miscellaneous no.51670 of 2015 and criminal miscellaneous case no.12586 of 2016 on 9.2.2016 and 28.3.2016 respectively. He further submits that other accused persons namely Bipin Yadav, Rajendra Kumar and Ruchi Kumari have also been allowed bail by different benches of this Court and thus the petitioner also

deserves similar consideration.

Learned APP for the State submits that the petitioner was found along with co-accused as per CCTV footage and hence opposes the prayer for bail.

Be that as it may let the petitioner be released on bail by furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of like amount to the satisfaction of learned 2nd Additional District Judge, Bhagalpur in connection with S.T. No.153 of 2016 arising out of Kotwali (Adampur) P.S. Case No.318 of 2015.

It is made clear that since the petitioner does not have a clean antecedent if in future petitioner is found to be involved in any case of similar nature then the learned Court will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

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