

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43233 of 2017

Arising Out of PS.Case No. -515 Year- 2016 Thana -BANKA District- BANKA

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Nashim Khan, Son of Kasim Khan @ Kasim Khan, Resident of Village-
Sadi Mohalla, P.S.- Barhi, District- Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.03.2017 in connection with Banka P.S. Case No. 515 of 2016
for offences punishable under Sections 395/397 of the Indian
Penal Code. Later on Section 412 of the Indian Penal Code was
also added.

The prosecution case, as lodged by the Branch
Manager, Canara Bank, Branch-Kateli Mode, is that while he had
opened the cash counter of the bank in the morning five
miscreants entered and took away Rs. 3,91,490/- on gun point.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and has been



falsely implicated only on the basis of confessional statement of one Rajiv Kumar Sharma who has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 1177 of 2017 on 15.02.2017. He submits that nothing has been recovered from his conscious possession and that no T.I. Parade has been done so far. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases of similar nature are pending against him.

Considering the facts and circumstances and the materials on record and the period of custody, let petitioner, above named, 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 learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 515 of 2016, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property who will file an affidavit stating their relationship with the petitioner.



(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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