

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.254 of 2018

Arising Out of PS.Case No. -13 Year- 2017 Thana -CHANDAN District- BANKA

=====

Nashim Khan @ Nasim Khan, Son of Kasim Khan @ @ Wasim Khan,
resident of Sadi Mohalla, Barhi, P.S.- Barhi, District- Hazaribagh
(Jharkhand) at Present Bhuchan Steel Plant, Kanti Baniya, P.S. Kanti
Bahiya, District- Dhankan (Orissa).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Anupam Puri, Son of Srui Agastin Puri, resident of Qr. No. 15/1,
Tuman Dungri, P.S. Ghatsila, O.P. Mau Bhandar, District- East Singhbhum
(Jharkhand) at present posted as Assistant Branch Manager, State Bank of
India, Branch Chandan, P.S. Chandan, District- Banka.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha
For the O. P No.1	:	Mr. Sri Umanath Mishra
For the O.P. NO.2	:	Mr.Satya Prakash Tripathy, Adv. Mr. Satya Vrat, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the informant
(Bank).

The petitioner, in the present case, is seeking regular
bail in connection with Chandan P.S. Case No.13 of 2017,
registered for offences alleged under Section 395 of the Indian
Penal Code.

Learned counsel for the petitioner submits that
petitioner has been involved in this case on mere suspicion. He



submits that the FIR is against unknown and even after his arrest in connection with this case during last six months no TIP has been conducted so as to implicate this petitioner. He further submits that nothing incriminating has been recovered either from the possession of the petitioner or at his instance. In these circumstances the continued custody of the petitioner in jail is without any material to connect him in the present case. Learned counsel also submits that few cases in which the petitioner was earlier involved he has been granted privilege of regular bail. Though, no statement to this effect has been made in the present application, but the same may be brought before the learned court below.

On the other hand, learned counsel for the informant submits that this is a case of bank dacoity where CCTV camera was made non-functional and accused could not be identified because the branch manager was confined in room.

Learned APP opposed the prayer for bail.

In the facts and circumstances, let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Banka in connection with Chandan P.S. Case No.13 of 2017 subject to the conditions



U/S 437(3) Cr.P.C. and subject to the further condition that the petitioner shall cooperate in course of trial by putting appearance before the court below as and when required. Two consecutive defaults in appearance in the court below without any plausible reason would lead to cancellation of his bail. Prior to the passing of the release order by the court below, the court below shall satisfy himself with the bail orders in connection with three other cases mentioned in paragraph 3 of the application.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

