

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23596 of 2020

Arising Out of PS. Case No.-147 Year-2017 Thana- KATORIYA District- Banka

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RAJU @ RAJ KUMAR MAHTHA @ RAJ KR. CHOUDHARY Son of
Ashok Pasi Resident of Village - Bhurbhura, P.S.- Mohanpur, District -
Deoghar (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-11-2020 Heard Mr. Ajay Mukherjee, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with
Katoria P.S. Case No. 147 of 2017 registered for the offence
punishable under Section 395 of the Indian Penal Code 1860 but
charge sheet has been submitted under Sections 395 and 412 of
the Indian Penal Code.

The allegation as per the First Information Report is
that 3-4 unknown persons entered into the State Bank of India,
Katoria Branch, and looted a sum of Rs.5,30,050/- from the said
Bank on gun point.



Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has falsely been implicated in this case on the basis of confessional statement of co-accused Monu Barnwal who has been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2018 passed in Cr. Misc. 30445 of 2018. Learned counsel further submits that a sum of Rs.1,000/- has allegedly been recovered from the pocket of the petitioner having marking of United Bank of India and that money cannot be said to be looted from the State Bank of India. Learned counsel also submits that other similarly situated co-accused persons have been granted regular bail by co-ordinate Benches of this Court vide orders dated 12.04.2018, 28.06.2018 and 6.8.2018 passed in Cr. Misc. 13192 of 2018, 32723 of 2018 and 44487 of 2018 respectively. Learned counsel also submits that petitioner has been remanded in this case from another case on 29.11.2019 and since then he is languishing in jail.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted regular bail by co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional judicial Magistrate, 1st, Banka, in connection with Katoria P.S. Case No. 147 of 2017 on following conditions:-

(i) that one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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