

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28820 of 2021**

Arising Out of PS. Case No.-293 Year-2019 Thana- CHANPATIA District- West Champaran

Shrawan Kumar Kushwaha @ Shrawan Kumar Son of Munilal Prasad
Resident of Village- Sirisiya, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh,Adv.

For the Opposite Party/s : Mr.Md.Mushtaque Alam,APP

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

2. 10-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Chanpatiya P.S. Case No. 293 of 2019, registered for the offence under Sections 379, 120(B), 34 of the Indian Penal Code.

As per the prosecution case, some unknown miscreants stolen away A.T.M., U.P.S. and cash of Rs. 28,83,400/- from the A.T.M. of State Bank of India, installed at Tikuliya Chowk.

Petitioner is not named in the FIR. No incriminating article has been recovered from the possession of the petitioner. Name of the petitioner has figured in the confessional statement of co-accused and save & except so called confessional statement, there is no material against this petitioner to connect



him with the aforesaid crime. It is further submitted that one co-accused Ashok Sah, from whose possession stolen amount of Rs. 3,39,000/- alongwith fire-arms and other articles were recovered, has already been granted bail by a coordinate Bench of this Court, vide order dated 26.11.2020 passed in Cr.Misc. No. 30102 of 2020 (Annexure – 2 to the petition). Petitioner is in custody since 04.12.2019.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released 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, West Champaran, Bettiah in connection with Chanpatiya P.S. Case No. 293 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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