

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3143 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- SAHIYARA District- Sitamarhi

KAUSHAL RAI @ KAUSHAL KISHORE YADAV Son of Ramdev Rai @
Ramdev Yadav R/o Village- Ghograha, P.S. - Sahiyara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the state.

The petitioner seeks regular bail in connection with
Sahiyara P.S. Case No. 76 of 2021, registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, Shiv Shankar Kumar gave
his *fardbeyan* that he got a shop in Mujauliya Bazar and on the
date of occurrence for purchasing articles in Sitamarhi after
keeping Rs. Two Lacs cash from his shop and Rs. 1.50 lacs from
his brother and further stated that Rs. 2 lacs has been kept in a
black colour polythene and the same has been kept in the handle
of motorcycle and Rs. 1.50 lacs in his pocket. When he reached



Ghograha Bridge at about 11.45 A.M. two motorcycle borne miscreants intercepted using two motorcycle, the pillion riders of two motorcycles came and on the point of pistol, took out of Rs. 1.50 lacs from his pocket and also took Rs. 2 lacs kept in black polythene. Further informant discloses the physical descriptions of the miscreants and stated that miscreants were concealing their faces by *gamcha*.

Learned counsel for the petitioner has submitted that petitioner is not named in the F.I.R. Petitioner is languishing in custody since 05.10.2021. Nothing has been recovered from the house of petitioner nor the petitioner has been put on test identification parade. Charge-sheet has already been submitted and there is no chance of tampering with the evidence. During investigation, on co-accused Priyanka Kumari has been arrested and he disclosed the name of the petitioner. He further submits that petitioner bears criminal antecedent of five cases.

The learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody and the arguments advances on behalf of both the parties, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of J.M. Ist Class, Sitamarhi in connection with Sahiyara P.S. Case No. 76 of 2021, subject to following condition:

(i) The petitioner shall be released after framing of charge.

(ii) One of the surety shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(iii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned trial court itself.

(Alok Kumar Pandey, J)

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