

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31147 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Shrestha Kumar @ Shresth Sahni Son Of Ganesh Sahni R/O Village-
Malhipur Maheshpur, P.S.- Bhagwanpur (TIYAI O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Adv

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bariyarpur P.S.Case No. 55 of 2021 for the
offences punishable under Sections 395 and 397 of the
Indian Penal Code.

The prosecution case is based on a written report
filed by the Branch Manager UCO, Bank, alleging therein
that on 09.03.2021 at about 12.55 pm. unknown miscreants
armed with weapon and covering their face, entered into the



bank premises and on the point of pistol looted cash of Rs. 5,85,123/-. It is also alleged that miscreants have also assaulted the cashier and other staff. It is further alleged that some miscreants were also standing near the bank and after looted the cash from the bank all of them fled away on two motorcycles.

Learned counsel for the petitioner submits that admittedly, the FIR has been instituted against unknown miscreants. However, during the course of investigation, on the basis of CCTV footage, co-accused Niraj Kumar Mahto was apprehended and he disclosed the name of his associates including the name of petitioner. However, neither the petitioner has been put on TIP nor any incriminating material has been recovered from his person or possession and save and except confessional statement of co-accused Niraj Kumar Mahto, there is no other material which suggest the complicity of the petitioner in the alleged crime. The petitioner has neither owner of the motorcycle nor has any concern with the other co-accused persons. He further submits that even during the course of investigation, there is no call details report suggesting the petitioner was



in touch with other co-accused persons. He last submits that the petitioner is a student of Bachelor of Science (Honours) in R.B.S. College, Teyai, Begusarai having fair antecedent and is in custody since 25.02.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted and there is no chance of absconding of the petitioner or tempering with the evidence.

On the other hand, learned counsel for the State opposed the bail application and submits with respect to other co-accused persons, whose names have also transpired in the confessional statement of co-accused persons, their bail application has also been rejected. In response to the aforesaid submission learned counsel for the petitioner submits that so far as petitioner is concerned, his case is different to those whose prayer for bail has been rejected for the simple reason, the petitioner has neither been identified in TIP nor any incriminating material has been recovered.

Regard being had to the submissions and considering the fact that save and except confessional



statement there is no other material against the petitioner, apart from having fair antecedent and is in custody since 25.02.2022, let the petitioner, above named, be released on 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 Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariyarpur P.S.Case No. 55 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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