

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29687 of 2022

Arising Out of PS. Case No.-5 Year-2016 Thana- DHANAHA District- West Champaran

SUNIL JAISWAL @ SUNIL KUMAR JAISWAL S/o Kasturi Resident of
Village- Paikoli, P.S.- Bhalauahi, District- Deoria, Uttar Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Singh
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 395, 397 of the Indian Penal

Code.

As per prosecution story on the alleged date and time of

the occurrence, informant- Assistant Manager, State Bank of India,

Madhubani was returning with cash of Rs 20 lakh by a Bolero with a

security guard and on the way, five unknown miscreants who were

also in a Bolero vehicle dashed their vehicle against Bolero vehicle

of the informant and thereafter looted cash amounting to Rs 20 lakh

on the gun point.

The main submissions advanced by Mr.Krishna Kumar



Singh, the learned counsel appearing for the petitioner are that FIR has been lodged against unknown persons, petitioner has been languishing in jail since 03.12.2021, he is 70% physically handicapped and in such a situation the allegation made against him is completely unbelievable, during investigation petitioner has not been put on test identification parade and the petitioner has produced medical certificate as annexure 2 showing his disability and similarly situated co-accused have been granted bail by different coordinate benches of this court vide orders passed in Cr. Misc. no. 44754 of 2016, Cr. Misc. no. 39866 of 2016, Cr. Misc. no. 44632 of 2016. Further submission is that there are three criminal antecedents against the petitioner in which he is on bail in two cases.

Sri Md. Fahimuddin, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account the petitioner's 70% physical disability and also considering the fact that some co-accused persons having similar allegation have been granted bail by different benches of this court vide orders passed in aforesaid criminal miscellaneous petitions and learned APP has not pointed out any cogent material/ evidence against the petitioner to connect him with the alleged crime, in my view, petitioner deserves privilege of bail. Let the 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 Sri



Nazir Ahmad, Judicial Magistrate, Ist Class, Bagaha District West
Champan/ concerned court in Dhanaha P.S Case No. 05 of 2016 on
the following conditions:-

(1) Petitioner shall co-operate 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.

(3) One of the bailers shall be close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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