

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41862 of 2021

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

Adya Nishad @ Adya Kewat Son of Late Shree Kishun @ Late Kishun
Kewat Resident of Village- Jungle Belwa, P.S.- Padrauna, District- Kushi
Nagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 28-06-2022 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.

The petitioner seeks bail in connection with Dhanaha
P.S.Case No. 5 of 2016 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code.

As per prosecution case, it is alleged that on
18.01.2016, while the informant along with security guard and
driver were returning from the State Bank of Indian, Branch
Padrauna with cash of Rs. 20 lacs, five miscreants, who were in
Bolero jeep bearing Registration No. UP575-2525 intercepted
on the way and looted away cash on the gun point.



It is submitted by the learned counsel for the petitioner that FIR has been instituted against unknown persons. During the course of investigation, co-accused Bijay Singh was apprehended and he disclosed the name of other accused persons including this petitioner. It is also submitted that except the confessional statement, there is no other material which suggests the complicity of this petitioner in the present case. Petitioner has not been put on TIP nor, any no incriminating material has been recovered from person or possession of this petitioner. It is further submitted that on whose confession, the name of the petitioner has transpired, has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 39866 of 2016 vide order dated 18.11.2016 as contained in Annexure-2 to this application. It is also submitted that other co-accused persons have also been granted bail by other co-ordinate Benches of this Court as contained in Annexures-3 and 3A. It is submitted that petitioner was arrested on 02.02.2016 in Kushi Nagar (UP) in a case of Arms Act and there after, he was remanded in five other cases and since then, he was in custody and thereafter, he was remanded in the present case on 31.10.2020.

On the other hand, learned APP for the State



vehemently opposes the bail application of the petitioner and submits that petitioner was accused in seven other cases apart from the present one. In response to the aforesaid submission, learned counsel for the petitioner submits that out of seven cases, petitioner is on bail in six cases.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has transpired on the confessional statement of co-accused Bijay Singh, who has already been granted bail by the learned co-ordinate Bench and moreover, this petitioner is in custody since 31.10.2020 but till date he has neither been put on TIP nor any incriminating material has been recovered, let the petitioner above named, be released on bail, on furnishing bail bonds of Rs. 20,000/-(Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S.Case No. 5 of 2016 subject to the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.



(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(v) The court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

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