

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53415 of 2021

Arising Out of PS. Case No.-407 Year-2021 Thana- KANKARBAG District- Patna

CHANDAN KUMAR @ CHANDAN PASWAN SON OF RAJ KISHORE PRASAD @ RAJ KISHORE PASWAN R/O VILLAGE- KORSHA KANTA, P.S.- KORSHA KANTA, DIST.- ARARIA, AT PRESENT MOHALLA-CHRAIYATAND GALI NO. 1, P.S.- KANKARBAGH, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57292 of 2021

Arising Out of PS. Case No.-407 Year-2021 Thana- KANKARBAG District- Patna

KUNDAN KUMAR Son of Raj Kishor Prasad @ Raj Kishor Paswan Resident of Village - Korsha Kanta, P.S. - Korsha Kanta, District - Araria, at present Mohalla - Chraiayatand Gali No. 1, P.S. - Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61210 of 2021

Arising Out of PS. Case No.-407 Year-2021 Thana- KANKARBAG District- Patna

ABHISHEK KUMAR S/O VINOD KUWAR @ BINOD KUNWAR R/o village- Nathmalpur, P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53415 of 2021)

For the Petitioner/s : Mr. Sarvan Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 57292 of 2021)

For the Petitioner/s : Mr. Sarvan Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 61210 of 2021)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate



For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-04-2022 Heard learned counsel for the parties.

The three petitioners in the three applications have prayed for grant of regular bail in connection with Kankarbagh P.S. Case no. 407 of 2021 registered under sections 401, 461, 379, 511 and 427 of the Indian Penal Code and sections 25(1-B) (a), 26 and 35 of the Arms Act.

As per the prosecution case, it is stated by the informant that in course of patrolling five accused persons including the three petitioners herein were caught while one managed to escape. On making inquiries it transpired that the shutter of the ATM had been pulled down while accused Kundan Kumar was cutting the ATM machine with gas cutter. All were arrested and the gas cutter recovered.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case under a misunderstanding. They were not involved in any cutting of the ATM machine. The cause of false implication is some differences between the accused persons and the police personnel. The petitioners Kundan Kumar and Chandan Kumar have no criminal antecedent. While it is stated that Abhishek



Kumar was subsequently implicated in the case on the statement of a co-accused. The petitioners are in custody since 18.4.2021.

The applications for bail are opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the allegations against the petitioner Kundan Kumar of being inside the ATM machine and of having cut the ATM machine with a gas cutter together with the gas cutter having been recovered, the Court is not inclined to enlarge the petitioner Kundan Kumar on bail and his application is rejected.

In view of the facts and circumstances of the case, the petitioners Chandan Kumar and Abhishek Kumar not having any criminal antecedent and having remained in custody for 1 year, the petitioners Chandan Kumar and Abhishek Kumar are directed to be enlarged on bail in connection with Kankarbagh P.S. Case no. 407 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna.

It is further directed that the learned court below will get the criminal antecedents of the petitioners Chandan Kumar



and Abhishek Kumar verified from the local police station as also from the Sr. Superintendent of Police, Patna and in case it is found that they have criminal antecedent, the bail bond of the said two petitioners will be cancelled. However, it is made clear that awaiting the report of antecedent of Chandan Kumar and Abhishek Kumar, their release pursuant to grant of bail by the instant order shall not be delayed and they shall be released forthwith.

(Partha Sarthy, J)

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