

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72369 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- PUNAURA District- Sitamarhi

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Kaushal Rai @ Kaushal Yadav Son of Late Ramdev Rai @ Ramdev Yadav
Resident of Village - Ghoghraha, P.S.- Sahiyara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
Mr. Saurav Anand, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Punaura P.S. Case No. 80 of 2021 registered for
the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, unknown miscreants snatched
Rs. 17,00,000/- from the informant at gun point. The name of the
petitioner transpired as an accused person during investigation.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this case.
The petitioner was not apprehended from the spot and nothing
incriminating has been recovered from his persons or possession.



No Test Identification Parade was conducted for identification of the petitioner as an accused. Except for confessional statement of co-accused persons Umesh Chaudhary and Amit Kumar, there is no material to show the involvement of the petitioner in the occurrence. The petitioner has been roped in this case only due to his criminal antecedent. Charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2021. Other similarly placed co-accused persons have been granted regular bail as well as anticipatory bail. Co-accused Monu Singh has been granted regular bail vide order dated 16.11.2021 passed in Cr. Misc. No. 46506 of 2021 and co-accused Rajkeshwar Kumar has been granted anticipatory bail vide order dated 11.05.2022 passed in Cr. Misc. NO. 60723 of 2021 by different Coordinate Benches.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and have criminal antecedent of similar nature in a number of cases.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner or at his instance and further considering the period of custody along with submission of charge sheet against him, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Punaura P.S. Case No. 80 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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