

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4117 of 2023

Arising Out of PS. Case No.-293 Year-2019 Thana- CHANPATIA District- West Champaran

VISHWAJEET KUMAR Son of Ramashankar Sah R/v- Baluwa, Rampurwa,
P.S.- Bairia, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Kumar Dwivedy

For the Opposite Party/s : Mr.J.N.Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-05-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for regular bail on behalf of
the petitioner for the offences alleged under Sections 379, 382
and 120(B)/34 of the Indian Penal Code registered in connection
with Chanpatia P.S.Case No. 293 of 2019.

As per allegation, some unknown persons stolen
away the ATM installed at Tikulia Chowk containing
Rs.28,83,400/-.

The learned counsel for the petitioner has submitted
that the petitioner was not arrested at the spot. Nothing was
recovered from his possession and co-accused Ashok Sah, from
whose possession Rs. 3,00,000/-(approx.) has been recovered



and in whose confessional statement the name of the petitioner has figured, has been granted bail by a coordinate Bench of this Court in Cr.Misc.No.30102 of 2020. He has submitted further that other co-accused persons, whose names have figured in the confessional statement of co-accused Ashok Sah have also been granted bail by the coordinate Benches of this Court. The case of the petitioner is on better footing as nothing was recovered from his possession. He is in custody since 16.09.2022.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above facts and circumstances and also keeping in view the fact that other co-accused persons have been granted bail, let the petitioner, above-named, 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia P.S.Case No. 293 of 2019, subject to the following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court



below for cancellation of the bail of the petitioner
and the learned court below will take decision in
accordance with law.

(Nawneet Kumar Pandey, J)

HR/-

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