

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11619 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- CHANPATIA District- West Champaran

AKASH KUSHWAHA Son of Late Bhola Kushawaha R/V- Daunaha Ward
No. 8, P.S- Dhanaha, Dist- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Chanpatiya (Sirisiya OP) P.S. Case No.87 of 2022 instituted under Sections 392 of the Indian Penal Code and Section 25(1-b)a, 27, 35 of the Arms Act lodged on 24.02.2022 by the informant Manoj Kumar.

As per the FIR, on 24/02/2022 the informant took Rs. 1,01,000/- from Lauriya main branch to C.S.P. branch where two accused persons came there as a customer for withdrawing money. After some time, one of the accused pointed gun (Katta) at the Informant and another accused took all the money from the counter. The Informant has further stated that the accused persons fired at him when he made objection. Afterwards one of the accused person ran away while firing and another accused



person ran away with the money. However, the accused who ran away towards field was apprehended by some people with a gun who disclosed his name as Akash Kushwaha and later on he was arrested by the police personnel. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that he has been falsely implicated and was merely present at the CSP Centre to deposit his one thousand but due to misunderstanding he was also named as an accused.

Learned APP opposes the prayer stating that he was caught from spot.

Considering the fact that he has remained in custody since 25.02.2022 and FIR lodged ultimately will have to face the trial, this Court is inclined to extend him privilege of bail subject to strict conditions considering the fact that he has criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chanpatiya (Sirisiya OP) P.S. Case No.87 of 2022 to the satisfaction of learned Chief Judicial Magistrate, West Champaran, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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