

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21143 of 2022

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

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Raju Kushwaha @ Raju Kumar, Son of Late Ashrafi Mahto @ Ashraphi
Kushwaha, R/O Village- Kohbarwa, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Punaura
P.S. Case No.80 of 2021 instituted for the offence punishable
under Section 395 of the Indian Penal Code.

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

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The petitioner was not apprehended at the spot nor
anything incriminating has been recovered from his possession
nor T.I.P. was conducted. Except confessional statement of co-



accused persons, Umesh Chaudhary and Amit Kumar, there is no material to show the involvement of the petitioner in the instant occurrence. The petitioner has been made accused in this case only due to his criminal antecedents. He is in custody since 18.01.2022. Charge sheet has been submitted. Co-accused Monu Singh has been allowed bail in Cr.Misc. No.46506 of 2021 and co-accused Rajkeshwar Kumar has been granted anticipatory bail in Cr.Misc. No.60723 of 2021. Other similarly co-accused Kaushal Rai @ Kaushal Yadav and Raju Kumar @ Raja have been allowed bail in Cr.Misc. No.72369 of 2021 and Cr.Misc. No.9271 of 2022 respectively.

Learned APP for the State has opposed the prayer for bail by submitting that the petitioner is a habitual offender and bears several criminal antecedents.

Considering the rival submissions, claim based on parity, manner of petitioner's implication and period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned



Chief Judicial Magistrate, Sitamarhi, in connection with
Punaura P.S. Case No.80 of 2021, subject to the following
conditions:

(i) That one of the bailors
will be a close relative of the
petitioner who will give an affidavit
giving genealogy as to how he is
related with the petitioner. The bailor
will also undertake to inform the court
if there is any change in the address of
the petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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