

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29354 of 2023

Arising Out of PS. Case No.-41 Year-2020 Thana- MOTIPUR District- Muzaffarpur

ANKUSH @ CHUSNA @ ANKUSH KUMAR S/O SANJEEV
CHOUDHARI Resident of Village- Barauni Flag, Kela Bari, P.S.- Teghra,
District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 13-10-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with S.T. No. 174 of 2021 arising out of Motipur P.S. Case No. 41 of 2020, registered for the offences punishable under Section 395 of the Indian Penal Code.

3. The allegation, according to the prosecution, is that unknown miscreants had committed dacoity at the Motipur Branch of Bank of India on 17.02.2020 at about 3:15 P.M. and decamped with huge cash amount.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner submits that this Court vide order dated 19.01.2023 passed in



Criminal Misc. No. 24785 of 2022, had granted liberty to the petitioner to renew his prayer for bail after framing of charges and now since the charges have stood framed in the on going trial on 01.12.2021, the petitioner be granted the privilege of bail. It is further submitted that neither any test identification parade has been held nor any recovery of the looted cash amount has been made so as to connect the petitioner with the alleged crime and on the contrary his name has transpired in the present case only upon confessional statement made by the co-accused person, namely, Rajnish Thakur, who is stated to have disclosed that the petitioner is also one of his accomplice, which according to the learned counsel for the petitioner is having no evidentiary value in the eyes of law. It is also submitted that similarly situated co-accused persons have already been granted the privilege of bail by Coordinate Benches of this Court vide order dated 12.04.2021 and 08.08.2022 passed in Criminal Misc. No. 5694 of 2021 and Criminal Misc. No. 70326 of 2021.



Lastly, it is submitted that the petitioner is languishing in custody since 03.02.2021, nonetheless, he is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that charges have already been framed in the on going trial, neither any test identification parade has been held, nor any recovery of cash amount has been made from the petitioner and on the contrary, the name of the petitioner has surfaced in the present case upon the confessional statement made by the co-accused person, apart from the fact that similarly situated co-accused persons have already been granted the privilege of bail, though I deem it fit and proper to admit the petitioner to the



privilege of bail, however, subject to certain conditions.

7. Accordingly, the petitioner, above named, is directed to 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 Court of Additional District Judge-XIX, Muzaffarpur in connection with S.T. No. 174 of 2021 arising out of Motipur P.S. Case No. 41 of 2020.

8. It is further directed that the petitioner would mark his attendance before the concerned Officer In-Charge of the concerned Police Station at 10:30 A.M. on every Monday of the week, starting from the day he is released from custody and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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