

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32911 of 2022

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

RAMAKANT PRASAD son of Suresh Prasad Resident of Village - Tadhwa
Nand Pur, Police Station - Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Jain Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with
Chanpatiya P.S. Case No. 293/2019 registered for the offences
punishable under Sections 379, 120(B), 34 of the Indian Penal
Code.

As per prosecution case, on 11.09.2019 some
unknown miscreants stolen away A.T.M., U.P.S. and cash of
Rs.28,83,400/- from the A.T.M. of State Bank of India, installed
at Tikuliya Chowk.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the FIR. The name of petitioner surfaced in this case on the basis of confessional statement of co-accused Umesh Kumar. Except confessional statement there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. The petitioner is languishing in custody since 04.12.2019 which is more than three years and bears criminal antecedent of 14 cases out of which he is on bail in 12 cases. No incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Ashok Sah against whom alleged recovery was made and other co-accused Mantu Sah, Umesh Kumar and Shrawan Kumar Kushwaha @ Shrawan Kumar have already been granted bail by the different co-ordinate Benches of this Court vide Cr. Misc. No.30102/2020, Cr. Misc. no.15027/2021, Cr. Misc. No.17367/2021 and Cr. Misc. No.28820/2021 respectively and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has 14 criminal antecedents.



Considering the facts and circumstances of the case, period of custody which is more than three years, co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Chanpatiya P.S. Case No. 293/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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