

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34873 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Hemant Kushwaha @Hemant Kumar @Hemant Kushawa Son Of Prem
Shankar @ Munna Kushwaha Resident Of Village- Khurbasiya (Khurbaniya,
Khurwanshiya),Uttar Tola, Ps- Bankata Distt- Deoria, Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard the parties.

The petitioner is in custody in connection with
Bhagwan Bazar P.S. Case No. 158 of 2022 for the offence under
Section 395 of the Indian Penal Code lodged on 28.03.2022 by
the informant, Poonam Devi.

The prosecution case, in brief, is that, on 28.03.2022,
when the informant was sitting as owner of the P.N. Jeweller
shop in absence of other family members, unknown miscreants
entered, threatened the staff and sales girls and looted the
ornaments of about Rs. 1 Crore and 15 Lakhs. Accordingly, the
F.I.R.

It has been contended by the learned counsel for the
petitioner that his name has come in the confessional statement



of co-accuseds Sachidanand Yadav @ Mukhiya and Pintu Bharti. Further, he is in custody since 25.03.2023 (as stated in paragraph 13 of the petition), no T.I. parade has been done nor anything recovered from his possession.

The last submission is that some of the co-accuseds Sachidanand Yadav @ Mukhiya and Pintu Bharti have since been released on bail vide Cr. Misc No. 69534 of 2022 and Cr. Misc. No. 71740 of 2022 respectively.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is a loot of jewellery house.

Taking into account the fact that his name has come in the confessional statement, the person who named him has since been granted bail, is in custody since 25.03.2023, this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Court of A.C.J.M, 1st, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 158 of 2022 subject to the 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his 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 his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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