

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45267 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- LAURIA District- West Champaran

Nitish Jaiswal Son of Late Vijay Sah Resident of village - Lal Saraiya, P.S. -
Majhauriya, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bank of Baroda Branch Lauriya, P.S. - Lauriya, Dist - West Champaran
through its Branch Manager Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Md. Iftekhar Mahmood, APP
For the Opp. Party.	:	Mr. Nishi Nath Ojha, Advocate Mr. Shvind Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
15.02.2023 in connection with Lauriya P.S. Case No. 232 of
2022, F.I.R. dated 16.07.2022 for the offences punishable under
Section 395 of the Indian Penal Code.

4. According to prosecution case, this petitioner along
with other accused persons armed with pistol and knife have
committed dacoity and looted Rs. 13,80,000/- from the bank.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Ajeet Prasad. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Guddu Paswan whose name has also been transpired on the basis of the confessional statement of the Ajeet Prasad has been granted bail by a co-ordinate Bench of this Court vide order dated 03.07.2023 passed in Cr. Misc. No. 32180 of 2023. The petitioner is in custody since 15.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate 1st Bettiah, West Champaran in connection with Lauriya P.S. Case No. 232 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the



petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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