

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43351 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- BASANTPUR District- Siwan

SHAILESH KUMAR @ SAILESH KUMAR SON OF PRABHANSH
PRASAD @ PARAM HANS MAHTO RESIDENT OF VILLAGE- RE-
SAURA, PS- MAHARAJGANJ, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raghav Prasad
For the Opposite Party/s	:	Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard the parties.

Petitioner renews his prayer for regular bail in connection with Basantpur P.S. Case No. 243 of 2022 dated: 02/06/2022 registered under Section 392 of the IPC and Section 27 of the Arms Act.

This is second attempt for bail on behalf of the petitioner inasmuch earlier bail application of the petitioner was rejected *vide* Cr. Misc. No. 49335 of 2022 by order dated 23.12.2022.

As per the prosecution case the petitioner along with other co-accused persons were committing robbery in the C.S.P. Bank of the informant and while fleeing away the petitioner was caught on the spot with the help of the villagers along with the



motorcycle used in the commission of crime.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case only due to the fact that he was present near the place of occurrence where dacoity had taken place. The motorcycle which has been recovered is *Apache* motorcycle but the miscreants, 04 in number, who had come were using *Splendor* motorcycle. He next submits that no looted article has been recovered from the possession of the petitioner and similarly situated accused person has been granted bail by a Co-ordinate Bench in Cr. Misc. No. 4238 of 2023 (Annexure- 3). The petitioner is in custody since 02.06.2022 and charge has not been framed.

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that petitioner is in custody since 02.06.2022, charge against him has not been framed, this is second attempt for grant of bail and other co-accused person has been granted bail, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000 /- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Shalini Shukla Jha, learned Judicial Magistrate 1st Class,



Siwan in connection with Basantpur P.S. Case No. 243 / 2022
on the condition that the petitioner shall remain physically
present on each and every date during the course of trial and in
case of default on two consecutive dates, his bail bond shall
liable to be cancelled.

(Anil Kumar Sinha, J)

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