

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56127 of 2022**

Arising Out of PS. Case No.-312 Year-2021 Thana- MADHEPURA District- Madhepura

Vanshraj @ Banshraj, S/O Late Rajeshwar Das, Resident of Subedari Tola,
Near Shiv Mandir Ward No- 39, Saharsa Bihar Pin-852201

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 312 of 2021, registered for the alleged offence under Sections 392 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Sections 395 & 412 IPC were added.

As per prosecution case, four unknown miscreants entered into a Branch of Non-Banking Finance Company and on gunpoint looted a chest containing Rs.6,78,989/- along with some mobile phones. During investigation, the name of the petitioner surfaced as one of the accused persons involved in the crime.

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



case. The petitioner's name came up in this case on the basis of the suspicion of the informer and nothing incriminating has been recovered from the person/possession of this petitioner. The learned counsel further submits that the name of the petitioner further came up during investigation in the confessional statement of the co-accused brother of the petitioner from whom the recovery has been shown. However, the co-accused brother of the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 29.03.2022 passed in Cr. Misc. No.55437 of 2021. No Test Identification Parade has been organized for identification of the petitioner or currency notes which were recovered during investigation. The petitioner is in custody since 20.07.2021. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner was identified on the basis of CCTV footage and recovery of Rs.50,000/- has been made from the co-accused brother of this petitioner. The petitioner is also having criminal antecedents and is accused in a number of cases of serious nature.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the fact that



no recovery has been shown from this petitioner and further considering grant of bail to other similarly placed co-accused persons by a Coordinate Bench and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 312 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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