

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1315 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- DHURAIYA District- Banka

NAND KISHORE KUSHWAHA SON OF ARJUN MANDAL R/O
VILLAGE- DEODANDH, P.S.- DHORAIYA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Dhoraiya
P.S. Case No. 330 of 2022 dated 19.09.2022 registered for the
offence under Sections 414, 420, 467, 468 and 471 of the Indian
Penal Code.

The petitioner is alleged to have been apprehended
having possession of a stolen car.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not
committed any offence as alleged in the F.I.R. He further submits
that it appears from the F.I.R. and the seizure list that the
petitioner was apprehended with a car in question and on being



asked for paper of the alleged car, he did not produce any valid paper showing his ownership.

Learned counsel for the petitioner in defence submits that nothing has been recovered from the conscious possession of the petitioner rather the police has planted the recovery of stolen car from the possession of the petitioner. He further submits that there is gross violation of Section 100 of the Cr.P.C. The petitioner is rotting in judicial custody since 20.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 330 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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