

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8991 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- KALYANPUR District- East Champaran

Abhay Kushwaha @ Abhay Kumar Son Of Surendra Kushwaha @ Surendra
Prasad R/O-Bahuara, P.S.-Kalyanpur, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Kalyanpur P.S. Case No.294 of 2023, lodged on 21.08.2023, under Sections 399/402/467/468/471/120B of the Indian Penal Code and under Sections 25(1-b)A/26/35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against ten named accused persons. In the FIR it has been alleged by the apprehended accused persons that petitioner and others called them and in connivance with each other they were planning to make dacoity.

4. Learned counsel for the petitioner submits that his name has been figured in this case by virtue of confessional statement of co-accused. He has not been apprehended at the



spot. Counsel submits that it is true that criminal antecedent of the petitioner is not clean. There are two criminal cases pending against him but he is on bail in both the cases. The petitioner is in custody since 03.09.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, East Champaran at Motihari, in connection with Kalyanpur P.S. Case No.294 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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