

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18412 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- RAMGARHWA District- East Champaran

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Gajendra Kushwaha Son of Suresh Prasad Kushwaha Resident of Village - Sripur, P.S.- Chhauradano, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 20348 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- RAMGARHWA District- East Champaran

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Kishori Kushwaha Son of Late Akalu Mahto Resident of village - Nanhkar Belahiya, P.S.- Ramgarhwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 18412 of 2024)
For the Petitioner/s : Mr.Kundan Rathore, Advocate
For the Opposite Party/s : Mr.Nirmala Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 20348 of 2024)
For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-05-2024 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioners and learned APP for the State.



3. The petitioners have preferred this application for grant of regular bail in connection with Ramgarhwa P.S. Case No. 398 of 2023 dated 16.10.2023 registered for the offences punishable u/ss 394, 302 and 120B read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, when the informant along with his driver and *munshi* was returning from Muzaffarpur after collecting Rs. 26,70,000/- from the owner of Flour Mill. At about 8:20 P.M., when the informant reached the gate of Shiv Shakti Modern Flour Mill, they found that the gate of the mill was closed. When the driver of the vehicle came out to open the gate, indiscriminate firing was started from the driver side, due to which the driver and the *munshi* sustained firearm injuries. In the meantime, the informant fled away from there. Thereafter, 2-3 unknown miscreants fled away after looting the said money from the vehicle. Further, the injured were taken to the hospital and during the course of treatment *munshi*, Dilip Kumar succumbed to the injuries.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners have sprung up in the



confessional statement of the co-accused person, Sushil Mukhiya. Learned counsel has submitted that there is nothing on record against the petitioners except the confessional statement. The other co-accused person has already been granted bail by this Court vide order dated 30.04.2024 passed in Cr. Misc. No. 29985 of 2024. The petitioners are accused in one more criminal case as stated in para 3 of the bail petition. The petitioners are in custody since 23.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. Learned counsel has submitted that the co-accused Sushil Mukhiya has stated the *modus operandi* as to how the occurrence took place with the associates.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari, in connection with Ramgarhwa P.S. Case No. 398 of 2023, with the condition that the petitioners are directed to remain physically present before the learned Court below on each and



every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be canceled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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