

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28140 of 2024

Arising Out of PS. Case No.-900 Year-2022 Thana- KANKARBAG District- Patna

Raj Kishore Kumar @ Faujdari Kumar @ Raj Kishore Rai Son Of Ramjit Ray, Resident Of Village - Sangrampur, P.S. - Taraiya, District - Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr. Manish Chandra Gandhi, the learned counsel for the petitioner and Mr. Zainul Abedin, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 13.10.2023, in connection with Kankarbagh @ Kankarbag P.S. Case No. 900 of 2022, FIR dated 21.09.2022, registered for the offences punishable under Sections 379 and 120(B) read with Section 34 of the Indian Penal Code. However, chargesheet has been submitted under Sections 379, 411 and 120(B) read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, With the help of CCTV footage it was found that Rs. 25,00,200/- (Rupees twenty-five lakhs and two hundred) had been stolen from one Union Bank of India ATM on 18.09.2022 by four unknown



persons and one of the custodian of the ATM namely, Ranjeet Kumar informed about the theft to the informant. It is further alleged that the said custodian did not close the ATM box after installing cash in the ATM machine and had also removed the magnet censor from machine due to which alarm did not ring at the time of theft.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner was arrested on 04.09.2023 in S.K. Puri Police Station Case No. 397 of 2023 and he was remanded in the present case on 13.10.2023 on the basis of confessional statement of the co-accused person namely, Priyanka Kumari. Thereafter, confessional statement of co-accused Ravi Kumar was also recorded, in which he had also stated that the petitioner was also involved in the present crime in question. He further submits that a similarly situated co-accused person namely, Ravi Kumar, who has confessed the name of the petitioner has been granted bail by this Court vide order dated 28.08.2023 passed in Cr. Misc. No. 43858 of 2023. He lastly submits that the police after investigation has



submitted the charge sheet against the petitioner and the petitioner is in custody since 13.10.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one, however, on the basis of paragraph no. 3 of the bail petition, he fairly admits that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner was remanded in the present case on the basis of confessional statement of co-accused person and a similarly situated co-accused person has been granted bail by this Court, let the petitioner, above-named, be released on bail, **after framing of charge, if not framed as yet**, on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C.-2, Patna, in connection with **Kankarbagh @ Kankarbag P.S. Case No. 900 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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