

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30213 of 2024

Arising Out of PS. Case No.-377 Year-2022 Thana- BAIRIYA District- West Champaran

Nagendra Kushwaha @ Driver son of Bhagirathi Kushwaha @ Bhagirath
Mahto Village- Gandhi Nagar Ps- Bagaha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 377 of 2022 dated 07.12.2022 registered for the
offence punishable under Sections 395, 397 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, some unknown person
looted away cash amounting Rs. 8,29,655/- from a Bank on
gunpoint. They also assaulted the informant and other
employees of the bank.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that the present case has been lodged



against unknown accused persons. It is also submitted that petitioner is not named in the F.I.R.. Only on the basis of confessional statement of co-accused Satrajit Choudhary @ Sarvjeet Choudhary @ Ajay Choudhary @ Sadhu Choudhary, the petitioner has been made accused in this case. Till date, no T.I. Parade has been conducted. Nothing has been recovered either from conscious possession or from the house of the petitioner. It is submitted that co-accused Ashok Ram and Raja Kumar have been granted bail *vide* Criminal Miscellaneous No. 34580 of 2023 and Criminal Miscellaneous No. 55875 of 2023 respectively by this Court as well as and by a co-ordinate Bench of this Court. Lastly, it has been submitted that the petitioner is in custody since 16.10.2023, having two criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IIIrd, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 377



of 2022, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- 3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. 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.

(Khatim Reza, J)

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