IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36163 of 2024

Arising Out of PS. Case No.-243 Year-2019 Thana- SHEOHAR District- Sheohar

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Shivji Paswan Son of Chana Paswan Resident of Village- Bhatoili, P.S- Kachahari, Dist- Vaishali

... ... Petitioner/s

Versus

1. The State Of Bihar Patna
2. Anil Kumar Singh Son of Late Satyanarayan Singh Permanent address- Mathahi Jandaha, Jandaha, District- Vaishali, presently at UCO Bank, Branch Manager, Sheohar, P.S.-Sheohar, District- Sheohar, Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gyanendra Kr Shukla, Adv.
For the State/s	:	Mr. Sunil Kumar Pandey, A.P.P.
For the UCO Bank	:	Mr. Alok Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 21-09-2024 Heard Learned Counsel for the petitioner, Learned APP for the State and Learned Counsel for the UCO Bank (Informant).

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Sheohar P.S. Case No.243 of 2019 under Section 395 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against unknown accused persons against whom there is allegation that they have looted cash of Rs.32,33,760/- from the Bank.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits

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that the petitioner is not named in the F.I.R. Actually, the F.I.R. has been lodged against unknown persons. He further submits that the petitioner's name has figured in this case by virtue of confessional statement of co-accused that he has helped in commission of crime.

5. Learned Counsel further submits that the only material which has come against the petitioner that the co-accused persons, namely, Dhiraj Kumar @ Neeraj and Vikash Kumar have disclosed the name of the petitioner in their confessional statement. He further submits that the petitioner is the associate of the other accused persons who have committed Bank dacoity.

6. Learned Counsel further submits that the co-accused Dhiraj Kumar @ Neeraj and Vikash Kumar both were granted bail, therefore his case should be treated as equal footing and petitioner may be granted bail

7. Learned Counsel also submits that antecedent of the petitioner is not clean and there is one criminal case pending against him in which he is on bail.

8. Learned APP for the State opposes the prayer for bail and submits that it is a serious offence in which petitioner's name has involved and this aspect may be taken into

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consideration.

9. Learned Counsel for the UCO Bank (informant) vehemently opposes the prayer for bail and submits that total recovery of money could not take place till date and Rs.2,33,760 is yet to ascertain that where is the left money. He further submits that the co-accused persons on whose confession, the name of petitioner has come and on the ground that bail has been granted to them, the anticipatory bail to the petitioner may not be granted as these co-accused, namely, Dhiraj Kumar @ Neeraj and Vikash Kumar were granted regular bail.

10. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

11. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within four weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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