

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32456 of 2024

Arising Out of PS. Case No.-676 Year-2022 Thana- JOGAPATTI District- West Champaran

Nagendra Kushwaha @ Driver, Male, Aged about 45 years, S/o Bhagirathi Kushwaha, R/o Village – Gandhichauk (Gandhinagar), P.S.- Bagaha, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Yogapatti (Nawalpur) P.S. Case No.676 of 2022 instituted for the offences punishable under Sections 399, 402, 413, 414, 412, 212 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per F.I.R., allegation against the petitioner is that he along with other co-accused persons were involved in committing bank dacoity of SBI Branch Malahi Santghat.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics.



Neither any recovery has been made from his possession nor he has been put on T.I.P. till date. He has no concern with the alleged occurrence. His name transpired from the confessional statement of co-accused before the police which has no evidentiary value in the eye of law. Other two co-accused persons namely, Raja Kumar and Raj Kumar Sahani have already been granted bail by this Court vide order dated 24.06.2023 and 27.03.2024 passed in Cr. Misc. No. 33592 of 2023 and Cr. Misc. No. 19760 of 2024 respectively. Moreover, petitioner is languishing in judicial custody since 02.11.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned dated 27.03.2024, it appears that his name transpired in this case only on the basis of suspicion and confessional statement of co-accused Raja Kumar. There is no recovery from the possession of the petitioner. During investigation, except the confessional statement of co-accused no other material has come against the petition to show his complicity in the alleged crime.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named



petitioner be released on bail on furnishing bail bonds of Rs.
10,000/- (Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Judicial Magistrate,
Bettiah, West Champaran in connection with Yogapatti
(Nawalpur) P.S. Case No.676 of 2022.

(Ramesh Chand Malviya, J)

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