

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50404 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- ARARIA District- Araria

Raja Kumar S/O Sarvan Mahto @ Shravan Mahto R/O Village- Nauhatta,
Ward No. 12, P.S- Nauhatta, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-08-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with S.T.

No. 296 of 2024 arising out of Araria P.S. Case No. 65 of

2024 instituted for the offences under Sections 395, 397,

412 of the Indian Penal Code and Section 25(1-B)A, 26, 27

of the Arms Act.

3. As per prosecution case, in short, is that six

unknown miscreants committed *dacoity* in Axis Bank and

looted cash amounting Rs. 1,00,31,908/- from the cash-

counter. It is further alleged that the accused persons also

took away DVR and CCTV.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case on the basis of suspicion. The petitioner is not named in the F.I.R. and his name has transpired in this case only on the basis of confessional statement of the co-accused Abhishek Jha. He further submits that as per seizure list, Rs. 1,00,000/- has been recovered from the possession of the petitioner but, the same has not been put on T.I.P. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. Except confessional statement, there is nothing against the petitioner to implicate him in the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.02.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits



that the co-accused namely Shantanu Singh has been granted bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 37627 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner in Para 177 of the case diary has confessed his involvement in the alleged occurrence. The offence alleged is serious in nature and, thus, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with S.T. No. 296 of 2024 arising out of Araria P.S. Case No. 65 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close



family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

