

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62836 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Kanhaiya Kumar Rai S/o Pramod Rai R/o Village- Maharajpur, P.S.-
Khusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Kumar, Advocate Mr. Dharmendra Kumar Paswan, Advocate Ms. Deepshikha, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Ugranath Mallik, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2024 Heard Mr. Amar Kumar, learned counsel for the

petitioner, Mr. Ugranath Mallik, learned counsel appearing on

behalf of the informant as well as Mr. Binod Kumar, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
30.01.2021 in connection with Kusheshwar Asthan (K. Asthan)
P.S. Case No. 11 of 2024, F.I.R. dated 19.01.2024 for the
offences punishable under Sections 394 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, some unknown
miscreants looted Rs. 10 lakhs and a tablet from the informant
while he was returning from his petrol pump.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Madhav Jha and Alok Kumar Singh. He further submits that the petitioner has not been identified by the informant in the T.I. Parade. He further submits that altogether Rs. 19,000/- has been recovered from the possession of the petitioner but the said amount was not the looted amount. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Madhav Jha who has named the petitioner has been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 45273 of 2024. The petitioner is in custody since 30.01.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, he is not named in the F.I.R, nothing has been recovered from his possession, he has



not been identified by the informant in the T.I.P and the co-accused person has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Benipur at Darbhanga in connection with Kusheshwar Asthan (K. Asthan) P.S. Case No. 11 of 2024, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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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