

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73615 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- MADHAURAH District- Saran

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Kushal Kumar Rajendra Kushwaha Resident Of Village-Khair, P.S.-
KHAIRA, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Adv

For the Opposite Party/s : Mr. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhaura P.S.Case No. 296 of 2023 instituted for the offences
punishable under Section 394 of the Indian Penal Code.

3. As per the prosecution case, four accused persons
snatched the bag of Rs. 2,80,000/- and fired from the country
made pistol and fled away from the place of occurrence.

4 Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR and the name of the
petitioner has been surfaced on the basis of confessional
statement of co-accused Sumit Kumar @ Chhotu. Nothing



incriminating article has been recovered from conscious possession of the petitioner. It appears from the seizure list that only Rs. 20,000/- has been recovered from the house of the petitioner. Except confessional statement, there is nothing against the petitioner. The petitioner is in custody since 11.07.2023 and he has got one criminal antecedent. Similarly, situated co-accused persons namely, Abhiraj Kumar @ Hero, Sumit Kumar @ Chhotu, Utkarsh Kumar and Nishant Kumar @ Nitant Kumar have granted bail by the trial Court in B.P. NO. 1796 of 2023, 1896 of 2023, 1845 of 2023 and 1876 of 2023 vide order dated 15.09.2023 respectively.

5. Learned APP opposes the prayer for bail

6. Considering the facts and circumstances of the case as well as no direct circumstantial evidence available on the case diary, let the petitioner above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra in connection with Marhowrah P.S.Case No. 296 of 2023.

7. The trial Court is directed to conclude the trial after framing of charge in accordance with law within a period of 15 days from the date of receipt of a copy of this order. However, it



is made clear that if the charge – sheet has not been submitted then the petitioner shall be released on bail on above conditions and he shall be physically present on each and every date before the trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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