

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78387 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- BANJARIA District- East Champaran

Anush Kumar, S/O Ashok Sah, R/O Village- Bhelanari, P.S.- Govindganj,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate Mr. Dhurendra Kumar, Advocate Mr. Sumit Kumar, Advocate
For the Opposite Party/s :		Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Banjariya P.S. Case No. 206 of 2024 registered for the offence punishable under Sections 309(4)/3(5) of B.N.S.

3. The case of the prosecution is that the informant is a field staff in Bharat Financial Inclusion Limited. On 13.08.2024, he has gone for collection on his bike. He has also made collections from Budhwa and Kukurjari. While he was at village Budhwa, three persons on a Apached bike arrived, overtook him and stopped him. One of them took the key of the bike of informant, second pointed gun and after that third one took away Rs. 1,45,036/- from the dicky and a tab of Samsung



containing SIM of Airtel and a mobile of Vivo company. It is further stated that he heard a noise that one amongst three miscreants has been caught by the villagers. He also reached there. He identified the accused. Police also reached there. The apprehended person was identified as Anush Kumar (petitioner). From perusal of the seizure list, it transpires that from person of this petitioner, one country made pistol, two live cartridges, one Apache bike, Rs. 92,526/- in cash, one handbag, key of Hero Motorcycle and one Biometric Machine were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted that from perusal of the seizure list, it will transpire that the same was made on the date of occurrence i.e. on 13.08.2024 whereas the case was filed on 14.08.2024. From perusal of the seizure list, it appears that P.S. Case Number is also entered. When the seizure list was prepared prior to registration of P.S. Case Number how can there be P.S. Case Number prior to that, something fishy is in this. Petitioner is having criminal antecedent of one case and in that case, he has been acquitted. He is languishing in judicial custody since 14.08.2024.



5. The application for bail is opposed by learned APP
for the State.

6. Having heard learned counsel for the parties and
considering the facts and circumstances of the case, this Court is
inclined to enlarge the petitioner on bail. The above named
petitioner is directed to be enlarged on bail on furnishing bail
bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties
of the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Motihari, East Champaran in connection
with Banjariya P.S. Case No. 206 of 2024.

(Ashok Kumar Pandey, J)

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