

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40849 of 2018

Arising Out of PS. Case No.-29 Year-2016 Thana- OBRA District- Aurangabad

Chhotu Kumar @ Chhotu Ram @ Kamlesh Kumar @ Kamal Kant S/o Shyam
Sundra Ram, R/o Vill.- Shahpur, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umeshanand Pandit

For the Opposite Party/s : Mr. S.M. Rahman

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.12.2017 in connection with Obra P.S. Case No. 29 of 2016
for offences punishable under Sections 392 of the Indian Penal
Code, although charge-sheet has been submitted under Sections
395, 412 and 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant
truck driver, is that while he along with khalasi was moving in
his truck, four persons in a white Maruti car intercepted them,
two persons took them hostage and carried them in the Maruti
car. Two of them took the truck away, the informant and the
khalasi managed to flee away but the mobile and clothes of the
driver were in the truck.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and has



been falsely implicated in the aforesaid case. He submits that his name surfaced as one of the associates in the confessional statement of co-accused Jitendra Singh, Gandhi Chaudhary, Raja Kumar and Kamlesh Kumar, who have already been granted the privilege of bail by co-ordinate Benches of this Court, one of them being Cr. Misc. No. 22130 of 2016 vide order dated 20.05.2016. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and four cases are pending against him, some relating to similar offences, under the Arms Act and of more serious nature.

Considering the facts and circumstances and the materials on record, as well as the period of custody and that other co-accused have already been granted the privilege of bail, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad, in connection with Obra P.S. Case No. 29 of 2016, subject to the



following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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