

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29349 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BIHTA District- Patna

CHIKU KUMAR Son of Upendra Sharma @ Birendra Sharma R/o- Village-
Korawan, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-05-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
02.02.2019 in connection with Bihta P.S. Case No. 46 of 2019
for offences punishable under Sections 387, 307, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that he owns a furniture shop and on 13.01.2019, two miscreants
in a motorcycle came and fired two rounds. Two days before,
four miscreants had came and made him talk with one Ujjwal
who demanded Rangadari of five lacs for which informant had
already lodged Bihta P.S. Case No. 40 of 2019 against unknown
persons and one Ujjwal.

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 during course of investigation and his own extra judicial confessional statement before the police which has no evidentiary value in the eye of law. It is further submitted that no overt act has been alleged nor any Rangadari has been taken by the petitioner and that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the nature of allegations, period of custody and that charge-sheet has already been submitted, let the 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 the learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Bihta P.S. Case No. 46 of 2019, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file



an affidavit stating his relationship with the petitioner.

(2) The 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.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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