

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40558 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- BIHTA District- Patna

CHHOTU @ CHHOTE @ BIRENDRA KUMAR Son of Sri Sadhu Ji @
Kameshwar Sharma Resident of Village - Radhe Charan Ke Math (Mathiya
Par), P.S.- Bihta, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Shankar Pd. Singh, Adv
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 02-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 448, 341, 387, 504, 506/34 of the Indian Penal Code registered in connection with Bihta P.S. Case No. 40/2019.

3. It is submitted that the petitioner has been falsely implicated merely on the confessional statement of other co-accused persons except which there is no objective material to connect the petitioner with the alleged occurrence. It is submitted that the petitioner was in Delhi between 07.01.2019 to 06.02.2019 and as such he was not present on the spot on the date of occurrence. It is submitted that the petitioner is in critical condition and is undergoing kidney transplantation at Fortis Hospital, Mohali. It is submitted that the accusations are general and omnibus in nature. Specific accusation has been made against co-accused Ujjwal who is said to have demanded Rs.5,00,000/- as rangdari. It is submitted that the petitioner has also not been found in the CCTV footage. The petitioner has been made accused in two other cases subsequently.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Danapur, District Patna, in connection with Bihta P.S. Case No. 40/2019. subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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