

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57577 of 2018

Arising Out of PS. Case No.-534 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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Bittu Kumar @ Bittu Kumar Ram S/o Deepak Raut, R/o Mohalla- Jagjiwan
Nagar, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 18-01-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Bettiah
(Town) P.S. Case No. 534 of 2016 instituted for the offence
under Section(s) 363 of the Indian Penal Code. Later on Charge
Sheet was submitted under Section 365 of IPC.

Learned counsel for petitioner submits that petitioner
was earlier granted bail by learned Chief Judicial Magistrate,
Bettiah, West Champaran on 18.10.2016 on the ground that
offence under Section 363 of the Indian Penal Code is bailable.
Thereafter, police submitted charge-sheet under Section 365 of
the Indian Penal Code against petitioner. The learned Chief
Judicial Magistrate, Bettiah, West Champaran cancelled the bail



bond of the petitioner by order dated 25.8.2017 on the basis of the application filed by the informant on 10.3.2017. Petitioner challenged the aforesaid order dated 25.8.2017 by preferring Cr. Rev. no. 207 of 2017 before learned Sessions Judge, Bettiah, West Champaran, who, vide order dated 9.1.2018, having found the order dated 25.8.2017 illegal and invalid set aside the same. In the meantime, Cr. W.J.C. No. 1291 of 2017 was filed by the informant before this Hon'ble Court, wherein, it has been observed in order dated 18.4.2018 that the Superintendent of Police has also directed the Officer-in-Charge of Nagar Police Station Bettiah West Champaran to file a petition for cancellation of bail.

Learned counsel for petitioner submits that aforesaid Cr.W.J.C.No. 1291 of 2017 is still pending before this Hon'ble Court. Thereafter, on the basis of the petition filed by the I.O, the bail bond of the petitioner was again cancelled by order dated 14.5.2018. Thereafter, petitioner moved prayer for bail before the learned Chief Judicial Magistrate, Bettiah, West Champaran which was rejected on 30.5.2018. The petitioner again moved prayer for bail before the learned Sessions Judge which was also rejected by order dated 26.7.2018 which is impugned in instant bail petition.



During hearing of this bail petition, report of the Polygraphy test was called for which has been received and kept at Flag 'X'.

The learned counsel for informant has appeared and opposed the prayer for bail. He submits that petitioner during course of investigation has confessed his guilt before the police. In the written report informant, namely, Ravi Ram has alleged that since 29.9.2016 his 8 years old son, namely, Anshu Kumar was missing and he could not be searched. The FIR was lodged against unknown for the offence under Section 363 of the IPC. But, during investigation, the police recorded the confessional statement of this petitioner on 17.10.2016 and produced the petitioner before the CJM, Bettiah West Champaran. The Court, however, granted bail on 18.10.2016 for the offence under Section 363 of the IPC. Thereafter, as stated above, after submission of the charge sheet under Section 365 of the IPC, the bail bond of the petitioner was cancelled by learned Magistrate on 25.8.2017 on the basis of the application filed by the informant on 10.3.2017.

Petitioner is in custody since 30.5.2018.

From the report of the polygraph test which is kept at Flag- 'X', it appears that questions put to the petitioner were



answered in negative.

In such circumstances, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 534 of 2016, subject to the condition that both the bailors shall be the close relative of the petitioner with further condition:

(I) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without valid reason, his bail bonds will liable to be cancelled.

(Sanjay Priya, J)

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