

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4059 of 2020**

Arising Out of PS. Case No.-291 Year-2019 Thana- KORHA District- Katihar

Chhote Lal Kumar @ Chhotu Sah @ Chhote Lal Sah Son of Ashok Sah @  
Ashok Kumar Sah Resident of Village - Korha, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal

For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      17-09-2020      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Navin Kumar Pandey, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Korha P.S. Case No. 291 of 2019 for the offence registered under Sections 392, 411 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that on 26.07.2019, while the informant was returning home on a motorcycle along with cash amount of Rs. 11.40 lakhs, which he had withdrawn from the State Bank of India, some miscreants had intercepted and assaulted him whereafter they had fled and taken away the cash money, however, on seeing the police, the miscreants had



thrown the said bag containing the cash money and thereafter the informant had got back his money.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is not having any complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the material available in the case diary, this Court is of the view that benefit of doubt can be granted to the petitioner herein for the purposes of grant of anticipatory bail, however, with certain conditions inasmuch as though there is minuscule evidence in the case diary as against the petitioner herein and the informant has also got back his money but the interrogation of the petitioner seems to be necessary for unfolding the truth, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail but subject to certain conditions.

Accordingly, the petitioner, above named, is directed to



be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Katihar in connection with Korha P.S. Case No. 291 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

**(Mohit Kumar Shah, J)**

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