

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17902 of 2020**

Arising Out of PS. Case No.-752 Year-2019 Thana- DANAPUR District- Patna

LITTI @ CHHOTU @ CHHOTU RAI @ LITTI RAI, S/o Laxman Gope @
Laxman Yadav, Resident of Village- / Mohalla- Sonar Mandir Ke Pethiya
Bazar, P.S.- Danapur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar,Advocate

For the Opposite Party/s : Mr.Shailendra Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

9 20-10-2020 Heard learned counsel for the petitioner and Mr.
Shailendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Danapur P.S. Case No. 752 of 2019 registered for the offences punishable under Sections 399, 402, 120(B) of the Indian Penal Code and Section 25(I-B)a, 26, 35 of the Arms Act.

After a lot of exercise finally what has appeared on the record is that in paragraph '3' of the application a wrong statement was made that the petitioner has nine cases pending against him. It was for this reason that this Court had called for a report from the Senior Superintendent of Police, Patna vide order dated 26.082020. The case diary in paragraph '37' was not showing nine cases and the I.O. had recorded that petitioner has



no criminal antecedent.

The report received from the Senior Superintendent of Police, Patna shows that the petitioner had got two cases on his head and the statement in this regard in the case diary was not correct.

Learned counsel for the petitioner has now filed an affidavit which has been placed before this Court today in which it is stated that two cases are there against him. In both the cases the petitioner has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 39415 of 2017 and Cr. Misc. No. 17676 of 2019, copy of the two orders have been brought on record with the affidavit of the petitioner filed on 06.10.2019/16.10.2019.

Learned counsel for the petitioner submits that so far as this case is concerned, it is alleged that on search from possession of the petitioner one loaded country made Katta and one live cartridge of .315 bore was recovered from his pocket and he was arrested with the co-accused. It is also submitted that the petitioner is in custody in connection with this case since 30.09.2019.

Learned APP for the state has though opposed the prayer for regular bail of the petitioner but considering the facts



and circumstances of the case, wherein the petitioner is said to be on bail in the two cases and in connection with this case he has remained in jail for over one year, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur in connection with Danapur P.S. Case No. 752 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that one of the bailors of the petitioner would be the father of this petitioner and further condition that in case he is found involved in any other case of



similar nature in future, the Investigating Officer may take steps for cancellation of bail of the petitioner in this case and further condition that the petitioner shall appear in course of trial on the date fixed in the matter and two consecutive default in putting appearance without leave of the court would invite action towards cancellation of bail.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

