

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20919 of 2020**

Arising Out of PS. Case No.-21 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

Shaheb Jama Khan @ Pathan, aged about 24 years, Male, Son of Alamgir Khan Resident of Village - Bari Takiya, P.S.- Chainpur, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 06-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Rajni Kant Pandey, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Chainpur PS Case No. 21 of 2020 dated 18.01.2020 instituted under Sections 341/323/325/307/379/504/506/34 of the Indian Penal Code.

4. As per the allegation, the petitioner along with two



other named accused and two unknown, had stopped the informant and the petitioner is said to have taken away Rs. 15,000/- and all had assaulted and another co-accused had taken away the gold chain of the informant.

5. Learned counsel for the petitioner submitted that some minor scuffle took place between the parties, but the informant has exaggerated everything which is falsified from his own medical report. It was submitted that though the incident is said to have taken place on 15.01.2020 but the FIR was lodged after 3 days on 18.01.2020. Learned counsel submitted that as per the allegation the informant was badly thrashed by the accused but the injury report shows no sign of any external injury and only it has been recorded that the informant has stated that there was pain in his body. Learned counsel submitted that the said injury report of the government doctor and at the behest of the prosecution itself would indicate falseness of the allegation. It was further submitted that no motive has been assigned with regard to the incident and also that there is no explanation as to why the informant was carrying an amount of Rs. 15,000/- which is said to have been taken away by the petitioner. Learned counsel submitted that though there are various criminal cases against him but he is on



bail in those cases and further, in one other case he was arrested and on the so called confessional statement, he has been made accused in various other cases, but there has been no recovery from him in any of the cases. It was submitted that the petitioner is in custody since 20.01.2020.

6. Learned APP submitted that there is allegation of assault and taking away of Rs. 15,000/- against the petitioner. However, he was not in a position to controvert the fact that the injury report does not show any external injury and the only complain which has been recorded is that the informant has stated with regard to pain in his body. It was further submitted that the petitioner has criminal antecedent also.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.-II, Kaimur at Bhabua and/or any other transferee Court in Chainpur PS Case No. 21 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also



give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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