

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20910 of 2020

Arising Out of PS. Case No.-262 Year-2018 Thana- MIRGANJ District- Gopalganj

Chhotelal Singh, aged about 33 years, Gender:Male, son of Late Narad Singh,
Resident of Village- Nerui, P.S. Mirganj, District Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-09-2020

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

2. Heard Mr. Sandeep Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Mirganj PS Case No. 262 of 2018 dated 13.09.2018, instituted under Sections 341, 323, 327, 307, 379/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner and two others is of stopping the motorcycle of the informant, snatching rupees five lakhs and also firing upon him causing injury in his left



hand.

5. Learned counsel for the petitioner submitted that he has been falsely made accused due to village politics at the behest of the local MLA. It was submitted that the informant has filed Mirganj PS Case No.261 of 2018 against the other two co-accused stating that they had taken sixteen lakhs rupees from him promising to get a piece of land registered in his name, but neither they were returning the money nor getting the sale deed executed and the present case has also been filed by him on the same day. It was submitted that other two accused are said to have taken the money and the petitioner was not involved in the transaction and, thus, it is highly improbable that he would get involved in the crime with the other two co-accused as he has no enmity with the informant. Learned counsel submitted that later on the informant has also filed a formal compromise petition in the Court below stating that it was the other two co-accused, who were mainly responsible for the incident. Learned counsel further drew the attention of the Court to the common order dated 11.02.2019 by a coordinate Bench in Cr. Misc. No. 2272 of 2019 and Cr. Misc. No. 4696 of 2019 by which Guddu Dubey and Kedar Pal, the other two co-accused, have been granted bail in the present case after being in custody from 17.09.2018 i.e.,



less than five months, whereas the petitioner is in custody since 18.02.2020 i.e., almost seven months and even in terms of the allegation, his case is on a better footing than the two other co-accused.

6. Learned APP submitted that the allegation against the petitioner also is of snatching rupees five lakhs and firing. He further submitted that the petitioner has criminal antecedent of five other cases. However, he did not controvert the fact that there is no specific allegation against the petitioner of being the person who had fired on the informant which resulted in injury on his hand and is similarly situated to the other two co-accused, who have been granted bail.

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 bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in Mirganj PS Case No.262 of 2018, 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)

J. Alam/-

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