

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27452 of 2020

Arising Out of PS. Case No.-314 Year-2019 Thana- CHAKIA District- East Champaran

CHUTUL KUMAR @ SUBHASH KUMAR SINGH S/O Kailash Prasad
Singh Resident of Village - Murliachak, P.S. - Sadar (Hajipur), District –
Vaishali. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-10-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Md. Fahimuddin, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. Henceforward his name may also be printed in the cause list.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Chakia PS Case No. 314 of 2019 registered under Section 392 of the IPC.

The case of the prosecution is that four unknown criminals committed Bank dacoity, whereupon FIR was registered against unknown.

Petitioner's Counsel submits that as per para 22, CCTV footage was handed over on 16.9.2019, three days after the occurrence. As per para 26 CCTV footage was shown at Sadar



Thana, Hajipur, Vaishali while the occurrence is of Chakiya Thana, East Champaran. After seeing CCTV footage, the informant acknowledged that all the miscreants are of Hajipur. It is also evident from para 26 itself that a spy disclosed the names of all the miscreants including the petitioner and then, para 27, 28 is the statement of Chaukidar Shivdayal Paswan, Jageshwar Paswan, who named the petitioner and others. However, till date the petitioner has not been put on Test Identification Parade nor any scientific steps have been taken to establish genuineness of the pen drive. Moreover, from the case diary no description of criminal antecedent of the petitioner is there.

Similarly situated co-accused Ajeet Kumar has been allowed bail in Cr. Misc. No. 15725 of 2020.

Para 3 of the petition also speaks about clean antecedent of the petitioner.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM XIIIth, Motihari, East Champaran in Chakia PS Case No. 314 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

