

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 31779 of 2020

Arising Out of PS. Case No.-279 Year-2018 Thana- BOUNSI District-Banka

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Rohit Kumar, aged about 22 years (Male), son of Shyam Majhi, resident of
Village-Pilua, Police Station- Bounsi, District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ashfaq Ahmad with
Mr. Balram Kapri, Advocates

For the State : Dr. Mrityunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 23-12-2020

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

2. Heard Mr. Syed Ashfaq Ahmad, learned counsel
along with Mr. Balram Kapri, learned counsel for the petitioner
and Dr. Mrityunjay Kumar Gautam, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with



Bounsi PS Case No. 279 of 2018 dated 26.12.2018, instituted under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner is that he was part of a gang which committed loot and theft and was also involved in the present case where the informant's bag containing Rs. 15,000/- has been snatched after assault with the butt of a pistol.

5. Learned counsel for the petitioner submitted that the FIR is against unknown but later on Chandan Kumar Yadav @ Chandan Yadav was arrested in connection with Banka PS Case No. 169 of 2019 dated 16.03.2019 and he gave a so-called confessional statement implicating the petitioner also in such crime which has resulted in the police making the petitioner accused in five other cases of similar nature. Learned counsel submitted that there is no recovery from the petitioner in the present case and he was taken into custody on the same day when co-accused Chandan Kumar Yadav @ Chandan Yadav made his so-called confessional statement, i.e., on 16.03.2019 and in the present case he has been remanded on 30.07.2019. Learned counsel submitted that in the present case Chandan Kumar Yadav @ Chandan Yadav has been granted bail by a co-ordinate bench by order dated 03.02.2020 in Cr. Misc. No. 5883



of 2020.

6. Learned APP submitted that Chandan Kumar Yadav @ Chandan Yadav has disclosed that the petitioner was also one of his associates in the crime and, thus, the petitioner cannot plead innocence.

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 Chief Judicial Magistrate, Banka in Bounsi PS Case No. 279 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)

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