

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86969 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- CHAKIA District- East Champaran

NISHANT KUMAR @ CHINKI RAI @ KARAN @ CHINKI @ CHINKU
RAI Son of Shri Gajadhar Pd. Yadav Resident of Village - Barjee, P.S.-
Motipur, Distt - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 01-06-2020 The present case was heard at length on
27.05.2020 and today, it has been listed under the heading
“For Orders”.

The petitioner seeks regular bail in
connection with Chakiya PS case no. 41 of 2019 instituted
for the offences punishable under Section 392 of Indian
Penal Code.

The case of the prosecution is that the
informant who is the Branch Manager of Sonata Finance Pvt.
Ltd., Chakiya informed the police station that at about 2.30 pm
on 13.02.2019, while the members of the group were depositing
their instalments which were being accepted by the employees
namely Mukesh Kumar and Sonu Kumar, then four accused



persons armed with gun entered in the office and committed a loot of a sum of Rs. 1,67,546/- apart from snatching the mobile phone of the staff and taking away important documents.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, he is innocent, he is not named in the FIR and no recovery of the looted cash amount has been made from his possession. It is further submitted that though the petitioner is accused in six other cases but he is on bail in four of them. Lastly, it is submitted that the petitioner is languishing in custody since 24.07.2019 and has been implicated in the present case merely on the basis of confessional statement of the petitioner which has got no evidentiary value in the eyes of law.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the fact that apart from the confessional statement of the petitioner herein, which has got no evidentiary value in the eyes of law, there is no eye-witness to the alleged occurrence, the petitioner is a non-FIR named accused person and has not been identified till date by any independent witness or the informant to be the person who had



committed the aforesaid crime in question as also taking into account the fact that the CCTV footage also does not show the complicity of the petitioner apart from the fact that the petitioner is languishing in custody since 24.07.2019, I deem it fit and proper to direct for release of the petitioner upon him furnishing personal bond to the satisfaction of learned Additional Chief Judicial Magistrate- VIII, Motihari, East Champaran in connection with Chakiya PS case no. 41 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional Chief Judicial Magistrate- VIII, Motihari, East Champaran in connection with Chakiya PS case no. 41 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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