

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87183 of 2019**

Arising Out of PS. Case No.-66 Year-2019 Thana- MAHESI District- East Champaran

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NISHANT KUMAR @ CHINKI RAI @ KARAN @ CHINKI, 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

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**Appearance :**

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

5      05-06-2020              The matter has been taken up through virtual Court  
proceeding.

Heard learned counsel for the petitioner and learned  
APP for the State.

The present application has been preferred with a  
prayer for grant of bail in a case registered for the offence  
punishable under Section 392 of the Indian Penal Code.

The prosecution case as per the written report of Om  
Prakash Giri submitted before the S.HO., Mehshi Police station  
is to the effect that the informant is a delivery boy in Ecom  
Express Pvt. Ltd. and on 17.03.2019, the accused persons



robbed off Rs.40,026/- and one mobile phone from the informant, leading to registration of FIR against three unknown persons. During course of investigation, the name of the petitioner sprang up in the confessional statement of co-accused and subsequently the petitioner has confessed his guilt.

It is submitted by learned counsel for the petitioner that neither the petitioner is named in the FIR nor anything has been recovered from the possession of the petitioner, but only on the basis of confessional statement of co-accused, he has been made accused in the present case. The petitioner is languishing in custody since 05.08.2019 and the investigation has already been concluded. It is further submitted that though the petitioner is accused in six other cases, but he has been on bail in all those cases, but specific statement to that effect has not been made in the petition.

Learned APP for the State submits that the the name of the petitioner sprang up during investigation on the confessional statement of co-accused and the petitioner has serious criminal antecedent.

Considering the fact that the case diary does not suggest that the petitioner has been put on Test Identification



Parade and the specific case of the petitioner is that there is no recovery from the possession of the petitioner, let the petitioner above named be released on bail for the present provisionally for a period of six months months on furnishing one surety to the satisfaction of the learned ACJM-VI, Motihari, East Champaran, in connection with Mehsi P.S. Case No.66 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below after getting a report from the concerned police station to the effect that the petitioner is not getting involved in any case of similar nature, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-VI, Motihari, East Champaran, in connection with Mehsi P.S. Case No.66 of 2019.



It is made clear that the learned Court below will positively cancel the bail bonds of the petitioner, if he substantially gets involved in similar nature of offence.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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