

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13313 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- BELHAR District- Banka

Chhotu Kumar Paswan @ Chhotu Kumar @ Chhotu Paswan Son Of Narayan
Paswan Resident Of Village- Kerwar, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri

For the Opposite Party/s : Mr.Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 16-07-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Belhar Police Station Case No. 150 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is that he with the two other co-accused persons on the point of pistol looted bag containing Rs. 1,25,000/- and mobile phone from the informant and his co-driver. After the said occurrence they fled away with the money on motorcycle.



It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner has cropped up for the first time after use of the theft mobile by the petitioner's friend namely *Deepak Kumar* only on one day and rest day by his nephew namely *Mithun Kumar* and also on the basis of the confessional statement made by the petitioner before the police. He submits that petitioner's nephew namely *Mithun Kumar @ Golu Kumar* had gone near the canal for fishing then he found a mobile lying on the path way of canal and he picked up. Thereafter, *Mithun Kumar* handed over the phone to the petitioner and the petitioner was unaware of the fact that the mobile phone which was innocently picked up by his nephew is looted one. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that petitioner has not been put of T.I. parade till date. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and has been languishing in custody since 09.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the



like amount each to the satisfaction of the learned court below
where the case is pending in connection with Belhar Police Station
Case No. 150 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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