

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13620 of 2021**

Arising Out of PS. Case No.-247 Year-2020 Thana- TEGHRHA District- Begusarai

CHANDAN KUMAR Son of Late Bhubneshwar Mahto @ Guna Mahto R/o
vill.- Ulao, P.S.- Begusarai Muffasil (Singhaul O.P.), Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 21-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Meena Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Teghra P.S. Case No.247/2020 registered for the offences punishable under Section 395 of the Indian Penal Code. He is in custody since 19.09.2020. The petitioner has got two criminal antecedents as stated in paragraph ‘3’ and in both the cases he is on bail.

Learned counsel for the petitioner submits that as per the prosecution story altogether six miscreants came riding on

two motorcycles in front of the jewelry shop, all the miscreants were bearing helmets, they entered in the shop, firing and they managed to escape after taking away 250 pairs of ear rings and other articles as stated in the FIR.

Learned counsel submits that the FIR has been lodged against unknown and in course of investigation the police got confessional statement of the petitioner and others. The petitioner has never been put on TIP and no looted article has been recovered from his possession.

Learned counsel submits that the looted articles have been recovered from the possession of co-accused Ramgati @ Lahra. It is submitted that the petitioner has been implicated in the case on the basis of the confessional statement of the co-accused Ramgati @ Lahra saying that he is one of his associates.

Ms. Meena Singh, learned APP for the State has though opposed the prayer for regular bail of the petitioner, but while making submissions learned APP has categorically submitted that except the confessional statement of the co-accused in which the name of the petitioner has transpired no other material has come in the case diary. She has pointed out that though the Superintendent of Police, Begusarai has

discussed about eight mobile numbers in the case diary but unfortunately it is not written as to whether there was any mobile number of this petitioner also. In the kind of the materials with her, learned APP submits that it cannot be specifically pleaded that the scientific investigation, if any, has connected the petitioner with the co-accused.

Having regard to the facts and circumstances of the case, the submissions discussed hereinabove and that the petitioner has remained in jail for over one year in connection with the present case, but the trial is not likely to commence much less concluded in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Teghra P.S. Case No.247/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that in case the petitioner is found involved in similar kind of offence in future, it will be open for the I.O. to file an appropriate application before this Court for cancellation of bail of the petitioner.

And further condition that the court below shall verify

the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.