

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14673 of 2021

Arising Out of PS. Case No.-268 Year-2019 Thana- ITARHI District- Buxar

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MOHAN CHAUHAN @ MAN MOHAN CHAUHAN S/o Shree Chaudhary
@ Chauhan R/o Village and P.O.- Mahdah, P.S.- Buxar Muffasil, District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Adv.
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-10-2021 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.

Sangeeta Sharma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Itarhi P.S. Case No.268/2019 registered for the

offences punishable under Section 392 of the Indian Penal Code.

He is in custody since 02.07.2020. The petitioner has got four

criminal antecedent and except one case he is on bail in the other

cases.

The prosecution story in brief is that on 04.12.2019 the

informant submitted a written application to S.H.O., Itarhi police

station stating therein that on 03.12.2019 at about 9.30 pm he was

coming to his village after collecting money of his business on his



Bajaj Platina motorcycle. It is alleged that when the informant reached near Geruabandh canal three persons riding on a motorcycle came near him and surrounded him and on the point of pistol they assaulted the informant and snatched his motorcycle, one mobile and cash of Rs.25,000/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Jitendra Chauhan and there is no recovery from the possession of the petitioner.

Learned counsel further submits that the petitioner has not been put on Test Identification Parade and has remained in jail since 02.07.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused namely Jitendra Chauhan, there is no recovery from the possession of the petitioner and further that the petitioner has not been put on TIP and has remained in jail since 02.07.2020, investigation against him is complete but the trial is



not likely to take place 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 Additional Chief Judicial Magistrate-IV, Buxar in connection with Itarhi P.S. Case No.268/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Let the case diary be taken on the record.

(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'.

