

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14958 of 2021

Arising Out of PS. Case No.-689 Year-2020 Thana- HAJIPUR District- Vaishali

CHHOTU KUMAR Son of Nathu Paswan Resident of Village - Dhanauti,
P.S.- Adyhogik Area (Majipur Industrial), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2021 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 Hajipur Town P.S. Case No.689 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code. Charge sheet has been submitted u/s 392 I.P.C. and 27 of Arms Act.

The prosecution case in short is that while the informant and his associate were returning after withdrawing Rs. Two



Lakhs from the Bank, when near Lichchhvi Nagar, three miscreants came on motorcycle and snatched away Rs. One Lac from the informant. On alarm raised by the informant and his associate, the accused persons fled away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence as alleged has ever took place. He is neither named in the FIR nor was apprehended on the spot. His name appeared in this case on the basis of confessional statement of the co-accused Vishal Kumar. Except Rs.5500/- and mobile, nothing has been recovered from the possession of the petitioner and the said money and mobile belongs to the father of the petitioner. He has been falsely implicated in this case by the police only on suspicion. No T.I. parade has been held till date although the informant claimed to identify the miscreants and charge sheet has been submitted in this case. The petitioner has two criminal antecedent and has been languishing in custody since 10.11.2020, as such, he may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and the period of custody, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.689 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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