

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20015 of 2021

Arising Out of PS. Case No.-232 Year-2019 Thana- CHAUSA District- Madhepura

Shambhu Mehta, Son of Mahendra Mehta, Resident of village - Madadpur
basa @ Madanpur Basa @ Madhatpur Basa Jagdishpur, P.S. - Alam Nagar,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Mohan Kumar Singh, Advocate
For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 13-12-2021 The applicant/accused in Crime No. 232 of 2019
registered with Chausa Police Station for the offence punishable
under Section 394 of the Indian Penal Code as well as Section
27 of the Arms Act at the instance of first informant Praveen
Kumar Kedia, by this application is seeking his release on bail
during pendency of the trial.

Heard the learned counsel appearing for the
applicant/accused. He argued that except criminal antecedents
of the applicant there is no evidence to connect the applicant
with the crime in question.

As against this, the learned Prosecutor submits that
the applicant himself has confessed the crime when he was
arrested in some other crime. The learned Prosecutor further



submits that the applicant is a veteran having chequered criminal history. He has fifteen serious crimes to his credit.

I have considered the submissions so advanced and also perused the materials placed before me.

Praveen Kumar Kedia, the victim of the crime in question had lodged the FIR on 12.08.2019 with the accusation that on that day when he was travelling to his house, four robbers intercepted him by two motorcycles and snatched his bag containing an amount of Rs.25,000/-. In that process he was shot by firearm.

Except confessional statement of the applicant made to the police, even according to the learned Additional Public Prosecutor there is no evidence against the applicant. Sections 24 to 26 of the Evidence Act are clear on this aspect. Hence criminal antecedents of the applicant pales into insignificance and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 232 of 2019 registered with Chausa Police Station for the offence punishable under Section 394 of the Indian Penal Code as well as Section 27 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on



furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) The applicant to attend Alam Nagar Police Station on every alternate Sunday in between 11 A.M. to 1 P.M. till disposal of the trial failing to comply with this condition shall entail cancellation of the bail bond of the applicant by the learned trial court.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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