

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23801 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

CHANDAN KUMAR Son of Ashok Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha, (Kahalgaoon), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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

2 20-09-2021 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 Mr. Shyam Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jagdishpur (Goradhi) P.S. Case No.170/2020 registered for the offences punishable under Section 392 of the Indian Penal Code. Subsequently charge-sheet was submitted under Sections 395 and 412 of the Indian Penal Code. Petitioner has two criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, on 29.05.2020 at about 12.30 O' Clock the informant unloaded 60 bags of cement from the tractor at shop of one Jainarayan Sah and after unloading the

same he proceeded towards his house. It is alleged that when the informant reached at Mahgama More one Scorpio came near the informant's tractor, four persons came down from the scorpio and on the point of pistol they looted away his tractor, trailer, Rs.4500 from his pocket, a mobile phone and Rs.14,000/- kept in the box of tractor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that name of the petitioner has transpired in the confessional statement of the co-accused Vikash Kumar in connection with another case being Industrial P.S. Case No.48/2020.

Learned counsel submits that nothing has been recovered from the possession of the petitioner and there is no identification of the petitioner. It is submitted that petitioner has been remanded in this case on 05.09.2020.

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 this Court has noticed that the name of the petitioner has transpired in the confessional statement of the co-accused Vikash Kumar in connection with another case being Industrial P.S. Case No.48/2020, in the present case according to the petitioner nothing

has been recovered from his possession and there is no identification of the petitioner, he has been remanded in this case on 05.09.2020 and investigation against him is already complete, 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 Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No.170/2020, 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.

(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'.