

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23379 of 2021**

Arising Out of PS. Case No.-88 Year-2020 Thana- PRATAPGANJ District- Supaul

CHANDAN KUMAR @ BIBEK KUMAR Son of Madan Yadav Resident of
Village- Murli, P.S.- Kishanpur and District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 27-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pratapganj P.S. Case No. 88 of 2020 registered for the offences punishable under Sections 392/34 of the Indian Penal Code. He is in custody since 16.10.2020. The petitioner has got no criminal antecedent.

As per the prosecution story when the van belonging to the informant was going from Chapra to Siliguri, it was intercepted by two youths who came on a Pulsor motorcycle. One of them caught hold of the window of the informant's van and threatened with dire consequences whereupon the informant stopped his van.

The van was loaded with mangoes. The miscreants took away the van towards Pratapganj Bazar after tying the hands and legs of the informant. They have looted away the cash of Rs.17,800/-, mobile with sim numbers given in the FIR and fled away with the van.

Learned counsel submits that in course of investigation the name of this petitioner has transpired in the confessional statement of the co-accused Pappu Kumar as well as Kaushlendra Kumar. Kaushlendra Kumar has been granted bail in Cri. Misc. No. 38491 of 2020. The another co-accused Angrej Yadav from whose possession the looted pickup van has been recovered and this fact has come in paragraph '58' of the case diary has already got bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 6771 of 2021.

Learned APP for the State has though opposed the prayer for bail of the petitioner but at the same time he is unable to distinguish the case of the petitioner with that of co-accused who have got bail.

On getting reference of the case in which co-accused Angrej Yadav has been granted bail, this Court has noticed that the learned Co-ordinate Bench was informed by learned counsel who was representing the said accused that nothing has been recovered from his possession. Learned counsel submits that in fact the recovery is from the possession of co-accused Angrej Yadav.

Considering the facts and circumstances of the case and

that the petitioner who has otherwise no criminal antecedent is in custody since 16.10.2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Birpur in connection with Pratapganj P.S. Case No. 88 of 2020, subject to the conditions 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.

The application stands allowed.

(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'.