

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23761 of 2021**

Arising Out of PS. Case No.-443 Year-2019 Thana- BALIYA District- Begusarai

CHANDAN KUMAR @ CHANDAN MAHTO Son of Lakshmi Mahto
Resident of Village - Sanha, Naya tola, Ward no. 12, P.S. Sahebpur Kamal,
District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, 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.
Satyendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Balia P.S. Case No.443/2019 registered for the

offences punishable under Sections 356, 379 and 34 of the

Indian Penal Code. Later on Sections 394 and 414 of the Indian

Penal Code has also been added. He is in custody since

07.01.2020.

As per the prosecution story, on 23.11.2019 at about

11.10 in the night the informant along with his cousin brother

was going to Lakhminiya station for receiving his guest through Balia Bazar. It is alleged that when the informant reached near Khushbu Elecronic two unknown persons came on a pulsar motorcycle and snatched his mobile and a bag in which Rs.8,000/- cash was kept.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and after he was taken on remand in the present case after his arrest in Sahebpur Kamal P.S. Case No.351 of 2019, his confessional statement has been extracted in police custody. It is, however his submission that till date there is neither any recovery from the possession of the petitioner nor there is any identification of the petitioner. In the meantime, the co-accused Abhishek Kumar @ Golu from whose possession the looted mobile was seized by the police has been granted regular bail by a learned coordinate Bench of this Court in Cr.Misc.No.32581 of 2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case, there being no recovery of any looted article from his possession and no identification of the petitioner as also that he is in custody for about 20 months and investigation against him is complete, let 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 Sri Rajeev Kumar, learned Judicial Magistrate-1st Class, Begusarai in connection with Balia P.S. Case No.443 of 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.

(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'.