

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24285 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- JAMUI District- Jamui

Chhotu Kumar Son Of Ramdeo Singh R/O Village- Manpur, P.S.- Khaira,
District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-07-2021 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 Jamui P.S. Case
No. 137 of 2020 registered for the offence punishable under Section
392 of the Indian Penal Code.

The prosecution case which is based on written statement of
Bideshi Kumar who runs work of C.S.P. is that petitioner on the point
of arms in association with two other co-accused persons looted the
bag containing amount of Rs. 2,90,000/- and fled away towards
Jamui.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is not named in the F.I.R. No incriminating article has been recovered from his conscious physical possession. He has not been put on T.I. parade till date. He further submits that petitioner's name came in figure in this case when he was arrested by the Khaira Police in Khaira P.S. Case No. 110/2020 and forcibly taken confession of petitioner in complicity with the present crime but the confessional statement before the police has no evidentiary value in the eye of law. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has two criminal antecedents as has been mentioned in para 3 of this bail petition and he is languishing in custody since 13.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 court below where the case is pending/successor court in connection with Jamui P.S. Case No. 137 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 the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

