

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29151 of 2020

Arising Out of PS. Case No.-357 Year-2017 Thana- CHANPATIA District- West Champaran

KRISHNA GOND @ KISHAN GOAD Son of Ramchandra Goad @ Bhola
Sah Resident of Village - Bhataura, P.S.- Bagaha, District - West Champaran.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary,Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-01-2021 Heard learned counsel for the petitioner and Mr. Amitesh
Kumar, learned APP for the State.

Learned counsel for the petitioner files the supplementary
affidavit stating that the petitioner has been acquitted in three cases by
the learned court below.

Let it be taken on record.

The petitioner in the present case is seeking regular bail in
connection with Chanpatia (Sirisia) P.S. Case No. 357 of 2017
registered for the offences punishable under Section 392 of the Indian
Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the informant
who is an employee of a private firm in his written report alleged that
while he was returning through bus after collecting the money of the
firm from the market, three miscreants entered into the bus and snatched
the money from the informant by making shot in air.

Learned counsel for the petitioner submits that the petitioner



has not been identified by any witness during investigation and he is in custody since 23.07.2019. It is further submitted that no incriminating material has been recovered from his possession.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted by learned counsel for the petitioner that in the earlier three cases the petitioner has already been acquitted and then in one case he is on bail and so far as the present case is concerned, he is in custody since 23rd July, 2019, no incriminating material has been recovered from his possession and there is no identification of the petitioner, learned APP for the State is unable to demonstrate from the case diary that any witness has identified this petitioner, in the nature of the material present before this court, considering that the petitioner has already spent one and half years in custody and it is not the stand of the State that release of the petitioner at this stage is likely to result in interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia (Sirisia) P.S. Case No. 357 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the petitioner shall appear in course of trial on each and every date fixed in the matter and in case he fails to appear on two consecutive dates, learned court below shall take steps for cancellation of bail of the petitioner.

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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

