

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37367 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- SUGAULI RAIL P.S. District- West
Champaran

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BITTU KUMAR Son of Sri Bharat Sah Resident of Village- Jagdishpur, Virti
Tola, P.S.- Nautan (Jagdishpur), District- Westf Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 401/414 of the Indian Penal
Code.

Prosecution case is that while the police party was on
patrolling duty, two persons having seen police tried to escape
but they were apprehended on suspicion and on query they
disclosed their names as Basant Kumar Sah and Shalu Kumar
but they were unable to disclose their purpose of wandering on
the platform. On search, a knife, a mobile, a receipt from Gupta
Ji Cycle and Motorcycle stand etc were recovered. It is alleged
that apprehended accused disclosed about motorcycle keys and



receipt of Gupta Ji Motorcycle stand that the motorcycle was belonged to Rajesh Kumar and Bittu Kumar (petitioner).

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the possession of the petitioner nor is there admissible and cogent evidence or material showing complicity of the petitioner. He submits that the name of the petitioner has come in this case on the confessional statement of co-accused Basant Kumar Sah. He submits that similarly situated co-accused has been granted bail by coordinate Bench of this Court in Cr. Misc. No. 11648 of 2020 on 28.02.2020. He further submits that petitioner is languishing in judicial custody since 15.02.2020.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Sugauli Rail P.S. Case No. 68 of 2019, subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(II) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(III) The petitioner shall remain physically present in 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.

(IV) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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