

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39092 of 2020

Arising Out of PS. Case No.-149 Year-2017 Thana- RAJIVNAGAR District- Patna

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CHHOTU KUMAR @ PRASHANT KUMAR @ PRASHANT SON OF
LAL BAHADUR SINGH RESIDENT OF VILLAGE - PARVEZABAD, P.S.
- SONEPUR, DISTRICT - SARAN AT CHAPRA (BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail
in connection with Rajeev Nagar P.S. Case No. 149 of 2017
registered for the offences punishable under Section 395 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the name of the petitioner has
transpired in the confessional statement of the co-accused and
there is no identification of the petitioner.

Learned counsel submits that no recovery has been
made from the possession of the petitioner and co-accused have
been granted privilege of bail by a different Hon'ble Benches of



this Court vide annexure - 2 and 3 series. It is submitted that the petitioner has got no criminal antecedent and has remained in jail in connection with this case since 28.06.2020.

Mr. Atul Chandra, learned A.P.P. for the state is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused, there is no identification of the petitioner, no recovery and co-accused have been granted privilege of bail by a different Hon'ble Benches of this Court vide annexure - 2 and 3 series, the petitioner has remained in jail in connection with this case since 28.06.2020 and learned A.P.P. for the State has not brought to the notice of this Court any other material against the petitioner, 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 Judge-cum-Additional Chief Judicial Magistrate-III, Patna in connection with Rajeev Nagar P.S. Case No. 149 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 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'.

