

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8896 of 2021

Arising Out of PS. Case No.-66 Year-2019 Thana- BAGHA District- West Champaran

Chhotu Rao @ Manishek Kumar @ Abhishek Kumar Rao Son of Mithalesh Rao @ Mithileshwar Rao, resident of village- Babu Parsauni, P.S.- Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-06-2021

In view of sudden surge of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bagaha P.S. Case No. 66 of 2019 registered for offence punishable under section 392 of the Indian Penal Code.

The informant has alleged that while he was carrying



some money cash, his motor cycle has been accosted and he has been chased away. Three unknown persons have decamped with the money in his motor cycle.

Learned counsel for the petitioner submits that in confessional statement of co-accused Kamlesh Ram, the petitioner has been implicated in this case. Kamlesh Ram has been allowed bail in Cr. Misc. No. 25272 of 2020. Petitioner's implication based on confessional statement of co-accused is having no evidentiary value and is on extraneous consideration. Since earlier petitioner has seven more cases pending against him. The informant has seen the perpetrators, still the petitioner has not been put on T.I. Parade and under such circumstances, he is in custody since 25.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in Bagaha P.S. Case No. 66 of 2019, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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