

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7263 of 2022

Arising Out of PS. Case No.-380 Year-2020 Thana- BARAUNI District- Begusarai

CHANDRA SHEKHAR KUMAR @ CHANDRA SHEKHAR MAHTO SON
OF METHI MAHTO R/O VILLAGE- DUMARI- PANDIT TOLA WARD
NO.7, P.S.- MUFASSIL, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Suresh Pd. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code.

Allegedly, three unknown persons looted Rs 4000/-, Adhar
card, PAN card, driving license, mobile etc from the possession of
the informant when he was returning from his office.

The main submissions advanced by the learned counsel
for the petitioner are that co-accused Mantun Kumar Rai from whose
possession no incriminating article was recovered, has been granted
bail by a bench of this court vide order passed in Cr. Misc. no. 28973
of 2021 and investigation has been completed in respect of the



petitioner and during the course of investigation, police simply found petitioner having used his sim card in the mobile phone which was looted. In fact, the said sim number was allotted to some one by the company by misusing his I.D. proof and perhaps due to the said fact, petitioner was implicated in this case. Further submission is that during course of trial informant has been examined as a witness and he flatly refused to identify the petitioner and said that petitioner was not involved while the informant claimed to identify the accused persons. Petitioner has one criminal antecedent lodged under the Excise Act in which he is on bail.

Learned APP opposes the prayer for bail.

In view of above submissions, considering petitioner's case being at initial stage of trial and also considering above mentioned defence taken by the petitioner, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge XIV, Begusarai in Barauni P.S Case No. 380 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Complaint Case No. 252 C-2 of 2018 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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