

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9349 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- CHANPATIA District- West Champaran

Bittu Kumar Son Of Sri Bharat Sah Resident of Village - Virti Tola, P.s.-
Jagdishpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chanpatia
P.S. Case No. 291 of 2021 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 01.09.2021.

The allegation against the petitioner is to commit
dacoity, alongwith other co-accused persons and while
committing so, taken away cash of Rs.5,56,800/- (Rupees Five
Lakh Fifty Six Thousand Eight Hundred) of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of self confession while apprehended in Bettiah Muffasil P.S. Case No. 361 of 2021. It is submitted that in furtherance of the self confession, no incriminating material surfaced during the course of investigation, which may connect the petitioner with the present occurrence of dacoity. It is pointed out that petitioner is involved in seven other criminal cases, where in maximum of cases, name of the petitioner surfaced on the basis of self confession, as of present. It is submitted that petitioner has never been put on Test Identification Parade (T.I.P.). It is further submitted that similarly situated co-accused persons has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 69770 of 2021 dated 25.04.2022. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of



investigation or recovered from the possession of the petitioner to connect him, *prima facie*, with the present set of dacoity coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatia P.S. Case No. 291 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Bharat Sah, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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