

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12396 of 2022

Arising Out of PS. Case No.-191 Year-2020 Thana- PATNA CITY CHOWK District- Patna

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Bittu Mode @ Bittu Kumar aged about 24, Male, Son of Shambhu Prasad
Resident of Mohalla- Bhaisani Tola, P.S. - Malsalami, Patna City, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 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 Chowk
P.S. Case No. 191 of 2020, registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act and Sections 8 and 20(b)



(ii)(b) N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in custody since 04.10.2021.

The allegation against the petitioner is to participate in the preparation of dacoity, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not apprehended on the spot and his name surfaced on the basis of disclosure made by co-accused, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 31847 of 2020 dated 04.01.2021. It is pointed out that petitioner is involved in three other criminal cases, in which he is on bail. 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 apprehended at the spot, as per F.I.R.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may connect the petitioner with alleged preparation 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 Chowk P.S. Case No. 191 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVIII-cum-Special Judge, N.D.P.S. Act, Patna/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
Shakuntala Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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