

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12209 of 2022

Arising Out of PS. Case No.-767 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Chhotu Kumar Son of Pramod Mahto R/O Village- Rajaura, Ward No.-06,
P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2022 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 Begusarai
Town P.S. Case No. 767 of 2021 registered for the offence under
Section 398 of the Indian Penal Code and Sections 25(1-b)a, 26
and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.12.2021.

The allegation against the petitioner is to commit
attempt for robbery/dacoity and armed with deadly weapon.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery cannot be said from the conscious



physical possession of the petitioner. It has further been submitted that mandatory provision of Section 100 Cr.P.C. has not been complied with. It has further been submitted that petitioner is man of clean antecedent prior to the present occurrence, subsequently, he also been named in one more criminal case of robbery, in which, he is on bail. It has further been submitted that there is recovery of mobile, which belongs to the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is no recovery of firearms from physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as there is no recovery of firearms from petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Begusarai Town P.S. Case No. 767 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, Begusarai, subject to the following conditions:

“(i)That 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 Pramod Mahto, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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