

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13471 of 2022

Arising Out of PS. Case No.-978 Year-2020 Thana- NAWADA District- Nawada

Chhotu Kumar @ Tuktukwa @ Shailendra Kumar Son of Nand Kishore Saw
Resident of Village - Mirjapur, P.S.- Town, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 12-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Man Mohan Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Nawada (Town) P.S. Case No. 978 of 2020, for the offences punishable under Sections 328, 379 and 420 of the Indian Penal Code.

As per the prosecution case, it is alleged that the informant along with his wife have come to Nawada for the purpose of collecting money and after collecting Rs.60,500/- from their business partner, he took a room in Sahyog Rest House with the help of this petitioner. It is further alleged that this petitioner also brought lunch from the market and served



the same to them, however, after having taken the lunch, the informant and his wife became unconscious and when they regain consciousness, they found their bag and money was missing.

It is submitted by the learned counsel appearing on behalf of the petitioner that admittedly the petitioner and informant were known to each other and during the course of investigation, it has come that all of them have taken food and thereafter this petitioner left the rest house and later on allegation has been leveled against him of committing theft of Rs.60,500/-, though nothing has been recovered from the person and possession of the petitioner. He further submitted that save and except the suspicion, there is neither any eyewitness nor any material suggesting the complicity of the petitioner in the present crime and moreover, the petitioner is in custody since 20.12.2021 and the investigation of the crime is already completed.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that from the material available on record, the complicity of the petitioner cannot be ruled out.

Regard being had to the submissions made on behalf



of the parties and considering the nature of allegation and the materials available on record, apart from the period of incarceration, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nawada (Town) P.S. Case No. 978 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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