

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28037 of 2021

Arising Out of PS. Case No.-43 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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CHHOTU RAO @ MANISHEK RAO S/O MITHALESH RAO @
MITHILESHWAR RAO, R/O VILLAGE-BABU PARSAUNI, P.S-
CHAUTARWA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Bettiah Town

P.S. Case No. 43 of 2019 registered for the offences punishable

under Sections 414, 387, 120B/34 of the IPC and Sections 25(1-

b)a, 26 of the Arms Act.

As per prosecution case, during patrolling duty the

informant received secret information that some miscreants



have assembled to commit a crime. The informant arrived at the place of occurrence and caught one person who disclosed his name as Chunnu Thakur and from his possession a country made loaded pistol, eight live cartridges, two mobile phones and one motorcycle without any number plate have been recovered. From the Whatsapp chat of mobile of said Chunnu Thakur, it transpired that he was in contact with petitioner and some other accused to create terror and ransom at rack point.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR that only evidence against the petitioner is that his name transpired from Whatsapp chat of mobile of co-accused Chunnu Thakur. He further submits that save and except the aforesaid material, no other evidence has come against the petitioner and petitioner is in custody since 23.11.2020

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries seven criminal antecedent but he fairly submits on the basis of case diary that there is no evidence against the petitioner in the present case.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 43 of 2019, subject to 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 and shall remain physically present as directed by the court 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. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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