

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21395 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- PHULWARIA District- Begusarai

Chandan Kumar Son Of Police Yadav R/O Village- Pipra Dewas, P.S.-
Barauni, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Phulwariya P.S. case no. 111 of 2020 registered for the offence

punishable under Section 392 of the Indian Penal Code.

As per allegation three miscreants riding a motorcycle

overtook the informant's motorcycle and stopped the informant

and thereafter on the point of a pistol snatched away a cash of

Rs. 80,000/- and a mobile phone from the possession of

informant and at that time informant's uncle was also

accompanying the informant who resisted the alleged act of the



accused persons but he was assaulted by the accused and after committing the loot the accused persons aged between 20 to 25 years managed to flee away from the alleged place of occurrence.

The main submissions advanced by Mr. Saroj Kumar Sharma, learned counsel for the petitioner are that against the petitioner there is criminal antecedent of seven cases in which he has been granted bail by this Court as well as lower Court and in the present case he has been languishing in jail since 24.12.2020 and the FIR was lodged against unknown persons.

Mr. Shailendra Kumar, learned APP for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The FIR has been lodged against unknown persons with regard to alleged offence of loot. The order of learned Court below goes to show that after arrest the petitioner was not put on test identification parade and the investigation in connection with petitioner has been completed and it also appears from the said order that the police mainly relying upon the petitioner's criminal antecedents as well as co-accused's statement given before police submitted charge-sheet against the petitioner. In my view a lenient approach can be taken in respect of petitioner's prayer, let the



petitioner 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 concerned Court in connection with Phulwariya P.S. case No. 111 of 2020 on 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 below and shall remain physically present as directed by the Court below 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 tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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