

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22203 of 2022

Arising Out of PS. Case No.-83 Year-2019 Thana- PASRAHA District- Khagaria

CHALITTAR KUMAR S/o Prakash Yadav R/o village- Bhadlal, P.S.-
Maheshkhunt, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection Pasraha P.S.
Case No. 83 of 2019, G.R. No. 1970 of 2019 registered for the
offences punishable under Sections 392 and 411 of the I.P.C.

As per prosecution case, the informant along with
other went to attend one invitation and was returning from
motorcycle and about 7:00 pm he reached close to Vidya Ratna
Petrolpump on NH 31, all of sudden three persons on
motorcycle hit the informant's motorcycle from back side as a
result of it the informant fell on the ground and it is further
alleged that the informant's motorcycle was snatched on gun



point and it is further alleged that the miscreants took away his motorcycle along with other materials kept in 'dikki'.

Learned counsel for the petitioner submits that petitioner is in custody since 06.10.2021 and bears criminal antecedent of three cases. Learned counsel further submits that petitioner is not named in FIR, on the basis of self confessional statement recorded in other case Maheshkhunt PS Case No. 137 of 2021 the name of petitioner has been surfaced and he is remanded in the present case from the said case except self confessional statement, nothing is recovered from his conscious possession to demonstrate the complicity of present petitioner with the present case. Learned counsel for petitioner further submits that the occurrence took place on 09.07.2019 and FIR lodged on 11.07.2019, there is an inordinate delay in lodging FIR without giving proper explanation. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Chief Judicial Magistrate IV, Khagaria or his successor Judicial Magistrate 1st Class, Khagaria in connection with Pasraha P.S. Case No. 83 of 2019, G.R. No. 1970 of 2019 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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