

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24086 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- CHANPATIA District- West Champaran

Bittu Kumar Son Of Basant Pandit @ Haribasant Pandit R/O- Chaubey Tola
P.S.- Kumarbag O.P. Dist.- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chanpatiya (Kumarbag) P.S. Case No. 71 of 2022 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant and his friends were looted at the gun point by four miscreants of their belongings including cash amount of Rs. 13300/-, mobile phone and Aadhar Card of informant. On shout being



made local villagers assembled and chased the miscreants and co-accused Kundan Pandey was apprehended in which he disclosed the name of this petitioner along with two other co-accused persons who fled away from the spot.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner came up in the confessional statement of the co-accused who is not on good terms with the petitioner. On the basis of said statement of the co-accused, the house of the petitioner was raided and the petitioner was apprehended but no stolen articles has been recovered from his house. The seized mobile and motorcycle belongs to this petitioner and are not part of looted articles. Except for the confessional statement there is nothing of substance against this petitioner. He is in custody since 18.02.2022 but till date TIP has not been conducted. Charge sheet has been submitted in this case. The petitioner got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner transpired in the disclosure statement of co-accused who was



apprehended by the public. However, learned APP concedes that no recovery has been made at the instance of the petitioner.

Having regard to the facts and circumstances of the case and the submission made on behalf of the parties and the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the clean antecedent of the petitioner and submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 71 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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