

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23943 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- NTPC District- Bhagalpur

Md Chhotu Son of Late Zahur Resident of Village - Kazipura, Kahalgoan,
P.s.- Kahalgao, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with N.T.P.C. P. S. Case No. 18 of 2021 registered for the offences punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was coming along with her husband on a motorcycle after withdrawing Rs. 2,00,000/- from the bank, in



the meantime, two persons came on a motorcycle and snatched the bag containing the cash amount. It is further alleged that nearby people disclosed the name of the bike rider as Md. Chhotu (petitioner) and person, who was sitting behind the motorcycle as Sinku.

Learned counsel appearing on behalf of the petitioner submitted that save and except the disclosure made by the some of the local persons, who had some grudge against the petitioner, there is no cogent material suggesting the complicity of the petitioner in the present crime. It is further submitted that neither any incriminating material nor looted cash was recovered from the person or possession of this petitioner, however, the Police on search, recovered a mobile phone, which belongs to the petitioner. It is next submitted that though, the petitioner is in custody since 02.04.2021 but till date he has not been put on Test Identification Parade and in fact, only because of the two criminal antecedent of the petitioner his name has been implicated in this case.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was identified by the local people while he was fleeing away from the place of occurrence.



Having considered the submissions made on behalf of the parties and taking into account the fact that save and except the disclosure made by some of the local people, there is no other material in as much as he has not been put on T.I.P. for his identification and he is in custody since 02.04.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur in connection with N.T.P.C. P. S. Case No. 18 of 2021, subject to the condition that one of the bailors will be the close relative 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 step for cancelling 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.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

