

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38305 of 2021**

Arising Out of PS. Case No.-954 Year-2020 Thana- FORBESGANJ District- Araria

CHOTU KUMAR MEHTA @ CHOTU KR. MEHTA S/o Late Kirtya Nand
Mehta R/o village- Terhi Musahri, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 28-02-2022 Supplementary affidavit has been filed on behalf of
the petitioner bringing on record antecedent of the petitioner.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Forbesganj
P.S. Case No. 954 of 2020 registered for the offence punishable
under Section 392 of the IPC.

The FIR of the occurrence of loot is against unknown.



Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has been transpired on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that it appears from the impugned order that one mobile has been recovered from conscious possession of the petitioner but in fact, the same is error on record and the looted mobile has been recovered from possession of co-accused Shashi Kumar @ Shashi Kumar Yadav. He further submits that till date no TIP has been conducted by the prosecution. He further submits that co-accused Shashi Kumar @ Shashi Kumar Yadav has been granted bail by a co-ordinate Bench of this court vide order dated 17.09.2021 passed in Cr. Misc. No. 19148 of 2021. Similarly, co-accused Anshu Kumar Sah has been granted bail by this court vide order dated 22.11.2021 passed in Cr. Misc. No. 26840 of 2021 and petitioner is in custody since 03.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal



antecedent.

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, Araria in connection with Forbesganj P.S. Case No. 954 of 2020, G.R. No. 4112/2020, 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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