

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40311 of 2021**

Arising Out of PS. Case No.-433 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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CHHOTU KHAN @ KALIYA S/o Late Abdul Miyan @ Abdul Khan
Resident of Mohalla- Durga Nagar, New Bus Stand, Bettiah, Ward No.38,
P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 08-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bettiah Town P.S. Case No. 433 of 2020 for the offence
punishable under Sections 392 and 412 of the Indian Penal
Code.

The prosecution case, in brief, is that 3-4 miscreants
looted away cement loaded truck of the informant bearing
Registration No. BR-06G-2601 on the point of knife and katta
and started fleeing with the looted truck but in the way the said
truck met with an accident and one of the miscreants trapped



inside the truck who disclosed himself as Shyama Kant Ojha and in his confessional statement he named the petitioner and others as his accomplices.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioner. He further submits that said Shyama Kant Ojha on whose confession name of the petitioner surfaced in this case has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2021 passed in Cr. Misc. No. 5362 of 2021 and another similarly situated accused Kisan Kumar has also been granted bail by this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 45287 of 2021. Petitioner is in custody since 24.07.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the fact that the co-accused on whose confession name of the petitioner surfaced in this case and one another accused having similar allegation have already been granted bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 433 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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