

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33398 of 2022

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

Kundan Kumar Pandey @ Hiranman Pandey Son Of Baleshwar Pandey
Resident Of Village - Mahana Kuli, P.S.- Chanpatiya, Distt.- West
Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-09-2022 Heard Mr. Brij Kishor Mishra, learned counsel

appearing on behalf of the petitioner and Mrs. Rina Sinha,

learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

The petitioner, who is in custody since 19.02.2022,

seeks regular bail in connection with Chanpatiya (Kumarbagh

O.P.) P.S. Case No. 71 of 2022, for the offence punishable under

Section 392 of the Indian Penal Code.

As per prosecution story, informant was returning

from marriage ceremony and near Bishunpurwa temple four

unknown miscreants armed with gun stopped his motorcycle

and snatched purse containing Rs. 10,000/-, Aadhaar Card,

mobile phone and also took Rs. 1,300/- from pocket of Deepak

Kumar and Rs. 2,000/- from the pocket of Saheb Kumar. The

petitioner was caught by the villagers and three other accused

persons were fled away.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was caught by villager, the F.I.R. was lodged by the informant on 17.02.2022 and the incident had taken place on same day but seizure list was prepared on 18.02.2022 and the petitioner was taken into custody. Seizure list was prepared on the basis of alleged robbed articles of the informant. The seizure list was not prepared at the spot and there is much delay in its preparation creates doubt on the version of the prosecution. The alleged recovery of mobile phone number given in the FIR does not tally with the mobile phone recovered from the petitioner. Petitioner is in custody since 19.02.2022.

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

Taking into consideration the fact that the mobile phone mentioned in the seizure list and F.I.R., the seizure list was prepared after much delay. Nothing has been recovered by the police from the possession of the petitioner and the mobile phone recovered from the possession of the petitioner is not stolen one. The seizure list was prepared after much delay on next day. No explanation for delay has been explained. Prima facie, the petitioner has made out a case to be released on bail.



The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, District-West Champaran in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case No. 71 of 2022, 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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