

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33496 of 2022**

Arising Out of PS. Case No.-627 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Chintu Kumar, Son of Shambhu rai @ Snambhu Ray Resident of Village-
Sikanderpur, Ward no. 06 Rajaura, P.s. Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, A.P.P.

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

2 02-09-2022 Heard Mr. Sandip Kumar Gautam, learned counsel
appearing on behalf of the petitioner and Mr. Md. Ataur
Rahman, 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 seeks regular bail in connection with
Muffasil P.S. Case No. 627 of 2021, for the offence punishable
under Sections 392 and 397 of the Indian Penal Code and later
on Section 411 of the Indian Penal Code has been added.

As per the prosecution case the informant has alleged
against 4 unknown miscreants who committed robbery and
forcibly robbed vehicle registration no. BR09GB2728, Oppo
mobile phone and Rs. 20,000/ as well as 2,500 liters of Ganga
Dairy Milk.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner has been implicated in the present case on the basis of confessional statement of co-accused Nitish Kumar and on the basis of said confessional statement one mobile has been recovered from said co-accused Nitish Kumar and the vehicle was recovered along roadside. The petitioner has made specific statement in paragraph 8 that no looted article which has been alleged to have been belonging to the informant such as ATM, Aadhar Card, mobile phone or the vehicle have been recovered from the possession of the petitioner or from any of the member of the family of the petitioner or from the house of the petitioner. Petitioner has remained in custody since 28.01.22. Chargesheet has already been submitted.

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

Considering the nature of allegation made against the petitioner in the F.I.R and also in view of the specific statement in paragraph 8 of the bail application that no recovery of any looted article has been made from the conscious possession of the petitioner. The Chargesheet has been submitted and petitioner has remained in custody since 28.01.22, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Begusarai in connection with Mufassil P.S. Case No. 627 of 2021 ,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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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