

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45287 of 2021**

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

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KISAN KUMAR @ KISAN KUMAR TIWARI, S/o Jitendra Tiwari, R/o
Harivatika Chowk, Bettiah, P.S.- Bettiah (Muffasil), District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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 25.01.2021,
seeks regular bail in connection with Bettiah (Town) P.S. Case
No. 433/2020, for the offences 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 kata
and started fleeing with looted truck but in the way accident

took place and said truck over turned and a person was found trapped inside the truck, who was taken out side after breaking the glass of said truck. The said person disclosed his name as Shyama Kant Ojha and also disclosed the name of his accociates and confessed that he alongwith other accused persons has committed the said offence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR and his name has been disclosed by one co-accused. Petitioner is not the member of the gang. Neither he was present at the place of occurrence nor any case of loot is made out against the petitioner with respect to loot of cement loaded on the truck bearing Registration No. BR-06G-2601. Nothing has been recovered from the possession of the petitioner. He has been roped in the present case just on the basis of suspicion that he is one of the associates of the said gang.

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

Considering the above mentioned facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and has been made accused on the basis of mere suspicion, taking into

consideration the period of custody, as well as, the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, the Court below is directed to obtain criminal antecedent report of the petitioner from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail application filed on behalf of the petitioner, the petitioner, above named, 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, 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.

ravishankar/-

(Purnendu Singh, J)

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