

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46083 of 2021

Arising Out of PS. Case No.-502 Year-2020 Thana- NAANPUR District- Sitamarhi

1. Rohit Kumar @ Chhotka, age 24 yeasers, Gender-Male, S/O Kishore Sahni @ Kishori Sahni R/O Village-Raipur, P.S-Nanpur, District-Sitamarhi.
2. Manish Kumar Baitha, age 25 yeeears, Male, S/O Chhedi Baitha R/O Village-Raipur, P.S-Nanpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in connection with Nanpur P.S.
Case No. 502 of 2020 registered for the offences punishable
under Sections 394 of the Indian Penal Code.

The prosecution case, in short, is that on 25.10.2020
at 19.45 hours near Baill Bazaar, when the Informant reached
near the house of Vijay Sah, three masked accused persons came
on Glamour motorcycle and tried to snatch the Informant's bag
and motorcycle by putting him under the threat of pistol. On
protest, the accused persons fired three gun shots into the
stomach of the Informant and fled away with the bag of the
Informant containing Rs. one lakh twenty-two thousand.
Thereafter, the Informant was admitted in the hospital for



treatment.

Learned counsel for the petitioners submits that petitioners have criminal antecedent but, have committed no offence as alleged and they have falsely been implicated in the present case. Learned counsel for the petitioners further submits that the petitioners are not named in the First Information and their name has surfaced only on the basis of confessional statement. He further submits that except confessional statement, there is nothing against the petitioners. Further submits that nothing incriminating has been recovered from the conscious possession of the petitioners and, till date, no Test Identification Parade has been conducted by the prosecution and the petitioners are in custody since 15.01.2021.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail stating that the petitioners carries three criminal antecedents over their head.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarhi in connection with Nanpur P.S. Case No. 502 of 2020, subject to the following



conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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