

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36332 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- SARE District- Nalanda

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Chandradeep Kumar @ Chanderdeep Kumar, Son of Late Sidheshwar Prasad Resident of village - Dayamchak @ Damchak, P.S.- Sare, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Sare P.S. Case No.134 of 2021 instituted under Sections 392,506,504,323/34 of the Indian Penal Code.

The prosecution case, in short, is that Goldi Kumar submitted a written report alleging therein that the informant, driver of Pickup Van No.BR25G/1151 regularly supplied 'Aata' and 'Chokar' from Om Prakash Roller Floor Mil to the shop of Sujeet Kumar. On 03-12- 2021, carried 'Aata' by Pickup Van and unloaded in the shop of Sujeet Kumar. The shopkeeper gave him Rs.50,000/- (Fifty



thousand rupees only). After taking the money he proceeded to Rajgir by Pickup Van but on the way, two persons riding on a motorcycle intercepted him on the point of pistol. They assaulted him and snatched the amount, Rs.50,000/- which was kept in a white bag. After snatching the money as the accused person tried to escape on the motorcycle, the informant raised alarm, in the meantime one person fell down from the motorcycle and the Police chased and arrested him. On query, he disclosed his name as Puran Vishwakarma and the Police seized Rs.50,000/- from his physical possession. Thereafter, seizure list has been prepared and served to him. Accordingly, the FIR has been lodged. He named the petitioner as his accomplice.

Learned counsel for the petitioner submits that although his name has come in the confessional statement of co-accused Puran Vishwakarma, nothing has been recovered either from his conscious possession or from his house. It is further submission that the petitioner is in custody since 04.11.2021.

Taking into account the fact that the name of the petitioner has come in the confessional statement of co-accused Puran Vishwakarma, is in custody since 04.11.2021,



charge-sheet stands submitted and nothing has been recovered from his conscious possession, this Court is inclined to grant him privilege of bail after framing of the charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Sare P.S. Case No.134 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at



liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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