

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46940 of 2021**

Arising Out of PS. Case No.-61 Year-2018 Thana- NOKHA District- Rohtas

CHHOTU SINGH @ RAJU SINGH @ RAHUL KUMAR Son of Rajendra Singh @ Rajendra Prasad Yadav Resident of Village- Niranjapur, P.S.- Natwar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Babu Nandan Prasad  
For the Opposite Party/s : Ms. Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      18-02-2022      This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Nokha P.S. Case No. 61 of 2018 registered under Sections 379 and 411 of the Indian Penal Code.

One Sanjit Kumar was apprehended along with a motor-cycle without number and confessed that the motor-cycle



was stolen by his friend co-accused Akash Kumar. The petitioner's along with other co-accused persons is said to be members of the gang dealing in stolen motor-cycles.

Learned counsel for the petitioner submits that from the petitioner, even as per FIR, there is no recovery of any incriminating materials and later on also there is no recovery of any incriminating materials from the petitioner. Merely based on confessional statement, he has been implicated and there is one antecedent of the petitioner for offence committed in November, 2019.

The learned APP has opposed the prayer for bail. It is submitted that the petitioner has confessed his involvement in his statement recorded under Section 161 Cr.P.C.

Having heard the parties, this Court would observe that from the prosecution case, there is no alleged recovery from the petitioner. Other than statement of co-accused no evidence has come at the trial to sustain the allegations against the petitioner. The submission of learned APP regarding confession of the petitioner recorded in police custody also does not inspire much confidence as of now, since the Court for the present is considering the petitioner's prayer for bail and he has already remained in custody for nearly a year since 07.03.2021.



Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sasaram, Rohtas in Nokha P.S. Case No. 61 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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