

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46709 of 2021

Arising Out of PS. Case No.-288 Year-2019 Thana- KUDHNI District- Muzaffarpur

Pratap Rana @ Chhotu Singh, S/O Sri Ashok Kumar Singh, R/O Village-
Balthi Narsingh, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in
connection with Kurhani (Turki) P.S. Case No. 288 of 2019 for
the offences punishable under Section 394 of the Indian Penal
Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on
03.05.2019 while the informant was in the process of
withdrawing cash, in the meantime, one person, wearing helmet
on a motorcycle came and entered into the ATM and snatched
Rs.1,60,000/-. On protest by the informant, it is alleged that the



miscreant fired from his pistol causing injury over his thigh and thereafter he fled away with the looted money and ATM card.

It is submitted on behalf of learned counsel for the petitioner that the F.I.R. has been instituted against unknown person and no incriminating material has been recovered from the person or possession of this petitioner and though he is in custody since 16.01.2020, but till date he has not been put on T.I.P. It is next submitted that during the course of investigation, the petitioner was arrested in Kanti P.S. case no. 769 of 2019 on suspicion and thereafter on his own confession the name of the petitioner has been implicated in the present case and except the confession of the petitioner, there is no material, which suggest the involvement of the petitioner in the present occurrence. It is lastly submitted that investigation has already been concluded and the charge-sheet has also been submitted in this case and there is no chance of absconding of the petitioner and tampering with the evidence.

On the other hand, learned APP for the State has vehemently opposed the bail application and drawn the attention of this Court towards the criminal antecedent of the petitioner, apart from his submission that he has confessed his involvement in the present occurrence.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession nor he was put on T.I.P. though he is in jail custody since 16.01.2020, moreover his name has come on his own confession and except the confession, no material has come even during the course of investigation, which suggest the complicity of the petitioner, apart from the fact that investigation has already been concluded and charge-sheet has also been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I (West), Muzaffarpur in connection with Kurhani (Turki) P.S. Case No. 288 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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