

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48615 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- KASHICHAK District- Nawada

RAJESH KUMAR @ CHHOTU S/o Ramotar Singh R/o village- Dhanpur,
P.S.- Kashichak, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Kashichak P.S.Case No. 18 of 2021 registered for the offence under Sections 399, 400, 402, 413 and 414 of the Indian Penal Code and Sections 25(A), (1A), (1AA),(1B),(AB),26(1)(2),35 of the Arms Act.

The prosecution case in short is that on 30.01.2021, the informant, on secret information, that some miscreant has assembled near Railway Gumti below a Peepal Tree after giving his information to Senior Official he alongwith S.I.,



Warisaliganj and O.P., S.H.O., Sahpur all assembled and proceeded toward Gumti at 3.15 P.M. to verify and do needful. On seeing police personnel, all started fleeing away, they were five in number. Out of which, three were apprehended and two managed their good escape. On search, from possession of all the three, fire arms country made cartridge and mobile phone was recovered and a Hero Glamour Motorcycle was recovered, so separate seizure list was prepared on which they put their signature/thumb impression. They also disclosed name of other co-accused as Ajit Kumar and Rajesh Kumar @ Chhotu. On enquiry, they disclosed that they have assembled to do lootpat/dacoity.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired in this case on the basis of confessional statement of apprehended co-accused. He further submits that nothing has been recovered from the possession of the petitioner. He further submits that during investigation, no material has surfaced against the petitioner. Petitioner is in custody since 31.01.2021.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Nawada in connection with Kashichak Police Station Case No.18 of 2021 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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