

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49338 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- BACHHWARA District- Begusarai

ANKUSH KUMAR @ CHUSNA Son of Sanjeev Chaudhary Resident of
Village - Barauni Flag Kela Bari, P.S. - Teghra, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 22.06.2020, seeks
regular bail in connection with Bachwra P.S. Case No. 19 of
2020 dated 04.02.2020 registered for offences punishable under
Sections 384, 386, 387, 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution story in brief is that three unknown
miscreants are engaged in extortion of money from the
contractors of the area. The informant had resisted and did not
fulfilled the amount of extortion. The miscreants had fired in
which two labourers had succumbed to injuries. In course of



investigation, name of the petitioner and other accused has come on the basis of confessional statement of one Shiv Nath @ Monu. FIR is against unknown.

Learned counsel appearing on behalf of the petitioner submits that name of the petitioner has surfaced in the present case on the basis of confession made before the police in police custody by one co-accused Shiv Nath @ Monu, who has already been released on bail by a co-ordinate Bench of this Court vide order dated 15.07.2021 passed in Criminal Miscellaneous No. 10061 of 2021. Such confessional statement made in police custody has no evidentiary value. Petitioner is in custody since 22.06.2020.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that there are several cases pending against the petitioner which are of similar nature and it will not be in the interest of the society to release the petitioner on bail.

Having heard the rival submission of the parties, petitioner is not named in the FIR, name of the petitioner has surfaced in course of investigation on the basis of confessional statement made by one co-accused Shiv Nath @ Monu, who has already been released on bail, no incriminating article has been



recovered from the possession of the petitioner, petitioner is in custody since 22.06.2020, there is minuscule evidence collected against the petitioner apart from the confessional statement made by one co-accused Shiv Nath @ Monu, prima facie petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bachwra P.S. Case No. 19 of 2020 dated 04.02.2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall



take steps to cancel his bail bond.

(v) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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