

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52488 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAKIA District- East Champaran

NIRAJ KUMAR Son of Shiv Nath Singh @ Shiwnath Singh Resident of Village - Mani Chhapara (Mani Chapra), P.S.- Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 19.06.2021, seeks regular bail in connection with Chakiya P.S. Case No. 57 of 2021, for the offence punishable under Section 394 of the Indian Penal Code.

The prosecution case, in brief, is that on 11.03.2021, the informant was carrying feed for hen on his pick-up van bearing registration No. BR05-GA-8445. At around 1.00 A.M. when he reached near NH-28 S.R.A.P. College, one white Bolero bearing registration No. BR-06PB-6555 overtook the



pickup and 3-4 miscreants came out from the said Bolero, who started to assault the informant and pointed out pistol and, thereafter, fled away with the pickup van of the informant towards Bankula while other accused persons followed the stolen pickup van on white Bolero. The pickup van was recovered by the patrolling team of Chakiya P.S. and Madhuban P.S. the informant identified the driver of the Bolero as one of the accused persons, who was involved in committing robbery of the pickup van. The identified person disclosed his name as Dhiraj Kumar and also disclosed the name of other accused persons.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has surfaced in the present case on the basis of confessional statement of co-accused Dhiraj Kumar, who has already been enlarged on bail vide order dated 24.01.2022 passed in Criminal Miscellaneous No. 41873 of 2021. He further submits that petitioner is innocent and he was just passing through the place of occurrence on Bolero and no such occurrence has taken place and no other person was accompanying him in the Bolero. He further submits that nothing has been recovered from the possession of the petitioner.



Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case as well as the fact that the petitioner is a student of science and he is pursuing his studies. He was earlier directed to be released on provisional bail for two days and in compliance of the order he has surrendered in the Court below, which prima facie shows that petitioner will not indulged in tampering the evidence or influencing the witnesses neither such allegation has been made against the petitioner. The petitioner is in custody since 19.06.2021, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Chakiya P.S. Case No. 57 of 2021, subject to the following conditions:-

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

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



(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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