

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54960 of 2021

Arising Out of PS. Case No.-265 Year-2015 Thana- KOTWA District- East Champaran

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Jitendra Rai @ Jitendra Yadav Son of Bhutti Yadav @ Bhuti Yadav Resident
of Village - Jamunapur Nayka Tola, P.S. - Kotwa (O.P. - Bajhiya), District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the
petitioner, above named, for grant of regular bail to the
petitioner who has been made accused and put behind the bars
in connection with Kotwa P. S. Case No. 265 of 2015 registered
for the offences punishable under Section 394 of the Indian
Penal Code.

The prosecution case is that on 30.12.2015, while the
informant was in his office of M/s Narayan Highway Services,
two miscreants came on a motorcycle at petrol pump and
assaulted his staff Manoj Singh and thereafter, one of the
accused person assaulted the informant from the butt of his
pistol and further looted away Rs. 75,000/- from the cash
counter of the petrol pump.



It has been submitted on behalf of the petitioner that the F.I.R. has been instituted against unknown persons and the petitioner is in custody since 04.03.2021 but till date, he has not been put on T.I.P. . It is next submitted that nothing has been recovered from the possession of this petitioner which suggested the complicity of the petitioner in the present case.

Further, it is submitted by the learned counsel for the petitioner that the other co-accused persons have been granted bail by co-ordinate bench of this Hon'ble Court. The co-accused Om Prakash Sahani has been granted bail in Cr. Misc. No. 11411 of 2016 vide order dated 28.04.2016 and another co-accused Dhiraj Sharma @ Chunchun Sharma has been granted bail in Cr. Misc. No. 29756 of 2016 vide order dated 06.09.2016. Both the orders are annexed as Annexure- 2 and 2/1 to this petition.

On the other hand, learned APP for the State draws the attention of this Court to the criminal antecedent of the petitioner which has been mentioned in Paragraph No. 3 of this petition. He next submits that this is a case of 2015 and this petitioner was evading his arrest, later on, arrested by the Police.

Having considered the rival submissions made on behalf of the parties and taking into consideration the material brought on record especially the other co-accused persons



having been granted bail by co-ordinate bench of this Hon'ble Court, this petitioner is in custody since 04.03.2021 and till date he has not been put on TIP, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 10th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P. S. Case No. 265 of 2015, subject to the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without cogent reason, his bail bonds shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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