

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67825 of 2021**

Arising Out of PS. Case No.-348 Year-2021 Thana- CHANPATIA District- West Champaran

MANISH KUMAR Son of Sri Shankar Mahto Resident of Village- Hazma
Tola, Banuchhapar, P.S.- Chanpatia (Kumarbag), District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Chanpatia (Kumarbag) P.S. Case No. 348 of 2021 registered for the offences punishable under Section 394 of the Indian Penal Code and 27 of the Arms Act. He is in custody since 10.07.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that he was working as driver of Kanhaiya Lal Gupta and used to realize due amount. On 06.07.2021 while he was



returning after collecting money of Rs. 1,60,000/-, four motorcycle riders overtook his Tata Magic vehicle and stopped him and on the point of pistol snatched the amount and all the accused persons fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He is not named in the F.I.R. and no incriminating article has been recovered from his conscious possession.

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

Having regard to the submission that in this case the informant has been arrayed as an accused, in his confessional statement the name of this petitioner has transpired but there is no recovery of any incriminating material from his possession, a sum of Rs. 6,700/- has been recovered from the pocket of this petitioner but the said amount belongs to the petitioner as he was going to take admission in a coaching institute, the petitioner is a student and has passed his intermediate examination recently, he is in custody since 10.07.2021 and at this stage investigation against him is complete, he has otherwise no criminal antecedent and his presence may be secured in course of trial, therefore, this Court directs release of



the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Chanpatia (Kumarbag) P.S. Case No. 348 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

