

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71951 of 2021

Arising Out of PS. Case No.-209 Year-2021 Thana- BARBIGHA District- Sheikhpura

Rohit Kumar @ Billa S/O Rajo Chaudhary @ Rajendra Chaudhary R/o
Mohalla- Krishnapuri Patel Nagar, P.S.- Warisaliganj, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Barbigha (Mission O.P.) P.S. Case No. 209 of 2021 lodged
under Sections 396, 307 & 120(B) of the Indian Penal Code.

The prosecution case is filed against one known and
four unknown accused persons who have committed *dacoity* and
assaulted the family members of the informant.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. He further submits that
name of petitioner has figured in this case by virtue of

confessional statement of co-accused. He further submits that nothing was recovered from his possession. He also submits that in this case, the T.I.P. was conducted but the informant has not identified the present petitioner, whereas she identified four accused persons namely Aman Kumar, Vikram, Baua Ji and Mitthu. Learned counsel for the petitioner also submits that one co-accused namely Tajendra Kumar @ Jitendra has already been granted bail by the Co-ordinate Bench of this Court vide order dated 12.05.2022 passed in Cr. Misc. No. 63008 of 2021. He further submits that petitioner is in custody since 05.08.2021 having clean antecedent.

Learned counsel for the State opposes the prayer for bail but also accepted that in the T.I.P. the petitioner was not identified by the informant.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha (Mission O.P.) P.S. Case No. 209 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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