

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18537 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- MANSI District- Khagaria

CHHOTU SAO @ CHHOTU SAH @ MUKESH KUMAR S/O KIRANI R/o
village and P.O.- Rohiyar, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The case is registered under Sections 307, 353, 352
and 333/34 of the Indian Penal Code and Section 25(1-B), 26,
27 and 35 of the Arms Act, in connection with Mansi P.S. Case
No. 142 of 2021.

The allegations against the petitioner is that upon
secret information that accused, Chabila Yadav and other
accused persons are armed with arms, the police party went and
challenged them. It is alleged that the accused persons resorted
to indiscriminate firing on the police party. The same was also
returned by the police and the accused persons, who were
arrested from the spot was Chabila Yadav. The petitioners were
nabbed after a hot chase in which too they resorted to firing.

Earlier the petitioner had moved before this Court



vide Cr. Misc. No.59935 of 2021 which was rejected on 15.04.2022.

Taking into account the period of custody (06.05.2021), as stated in para-1 as also the fact that ultimately he has to face the Trial, this Court is inclined to grant him privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mansi P.S. Case No. 142 of 2021 to the satisfaction of learned Additional District & Sessions Judge, IIIrd, Khagaria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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