

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12041 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Chhotu Kumar, aged about 21 years, Gender- Male, son of Jangal Sharma,
resident of village- Nayatola, P.S.- Naugachia, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Naugachia PS Case No. 310 of 2022 dated 14.10.2022, instituted for the offence punishable under Sections 392 of the Indian Penal Code.

3. The prosecution case, in short, is that in the night of 14.10.2022 at 2'o clock, 3-4 unknown persons came near the Hyva vehicle, which was parked in front of Bank of India for repairing, and two of them entered into the cabin of the vehicle. It is alleged that the miscreants snatched rupees fifty thousand and silver chain from the driver and *Khalasi* on the point of firearms. Further, the miscreants also looted rupees twenty three thousand and a Samsung Mobile phone from another vehicle,



which was parked ahead of Hyva vehicle. All the miscreants were talking in local language and were taking the name of Ankesh and Chotu.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner was arrested on 04.11.2022 and was remanded to judicial custody on 05.11.2022. Learned counsel further submits that co-accused, Aman Kumar, was arrested on 03.11.2022 and the name of the petitioner has come in the confessional statement of Aman Kumar. On the basis of confessional statement of Aman Kumar, the petitioner has been arrested in this case. It is further submitted that petitioner is not named in the FIR and till date the petitioner has not been put on Test Identification Parade and the police after investigation has submitted charge-sheet against the petitioner and he has two other criminal cases. Lastly, it is submitted that Aman Kumar has been granted bail by a co-ordinate Bench of this Court on 11.05.2023 vide Cr. Misc. No. 13876 of 2023.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM- 1st, Naugachia, Bhagalpur, in Naugachia PS Case No. 310 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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