

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15481 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- HASPURA District- Aurangabad

CHHOTU KUMAR @ RAJNI KANT @ CHHOTE Son of Ramji Paswan
R/v- Raja Bazar, South Daulatpur, P.S.- Jehanabad, District- Jehanabad
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.03.2022 in connection with Haspura P.S. Case No. 52/2022,
F.I.R. dated 28.02.2022, for the offences punishable under
Sections 392 & 411 of the IPC.

According to prosecution case, the petitioner along
with other co-accused persons snatched the key of the truck of
the informant's brother and took away the truck laden with 500
bags of rice but on being chased by the police, the petitioner and
co-accused namely Manish Kumar have been apprehended by
the police.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case merely
on the basis of suspicion. He further submits that the allegation



as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that due to overtaking of the vehicle, the present occurrence has taken place and similarly situated co-accused persons, namely, Vikash Kumar @ Padwa and Manish Kumar @ Pandit have been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 and 13.06.2023 passed in Cr. Misc. No.33319/2023 & Cr. Misc. No. 29919/2023 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.03.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Daudnagar, Aurangabad in connection with Haspura P.S. Case



No. 52/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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