

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21421 of 2023**

Arising Out of PS. Case No.-112 Year-2021 Thana- PARASBIGHA District- Jehanabad

Anand Kumar @ Chhuthawa S/o Akhilesh Sharma R/o Vill.- Samanpura, P.S-
Naubatpur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in this case is seeking regular bail in connection with Parasbigha P.S. Case No. 112 of 2021 registered for the offences punishable under Section 395 of the Indian Penal Code and later charge-sheet came to be submitted under Sections 395, 412 and 34 of the Indian Penal Code. He is in custody since 11.08.2021. The petitioner has got five criminal antecedents in all the cases he is on bail.

3. As per the prosecution story, while the informant along with his brother was returning home on his tempo, they were intercepted by five persons riding on two motorcycles. It is alleged that the accused persons snatched Rs. 4,600/- cash and one mobile from him and purse from his brother containing Rs.



1,100/- on the point of pistol and knife. The informant claimed that he could not see the registration number of the vehicle due to darkness but he can identify the accused persons on seeing again.

4. Learned counsel for the petitioner submits that the petitioner has been brought in this case on remand from another case. He is also on bail in all the five cases registered against him and a statement to this effect has been made in paragraph '3' of the application.

5. Learned counsel submits that in this case there is no identification of the petitioner. It is alleged that five persons on two motorcycles intercepted the tempo and looted away the cash and mobile of the informant. Though the informant claimed that he can recognise the accused, but till date no T.I.P. has been conducted.

6. Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering that there is no identification of the petitioner and in connection with this case he is in judicial custody for more than two years and at this stage, charges have been framed and only one witness is said to have been examined so far, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jehanabad in connection with Parasbigha P.S. Case No. 112 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

7. And further condition that the petitioner shall attend the trial on each and every date fixed in the matter. Two consecutive defaults in attending the trial for no cogent reason shall invite action towards cancellation of the bail of the petitioner.

8. 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 steps 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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