

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33406 of 2023

Arising Out of PS. Case No.-622 Year-2022 Thana- SAKRA District- Muzaffarpur

CHHOTU KUMAR son of Late Rajendra Mahto Village- Gannipur Bejha Ps-
Sakra Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sakra
P.S. Case No. 622 of 2022 registered for the offences punishable
under Sections 412, 413, 414, 467, 468, 469 of the Indian Penal
Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, on the basis of secret
information, informant and other proceeded towards Palani which
is located in premises of Bank of India and found that 5-6 persons
were seating there and after seeing the police, they started fleeing
away. It is further alleged that five persons including the petitioner
were apprehended and one person succeeded in fleeing away from
the place of occurrence whose name was disclosed by all
apprehended accused persons as Ritik Rai. It is further alleged



that one country made pistol and one live cartridge were recovered from the possession of the co-accused Manish Kumar. It is further alleged that Honda Shine motorcycle which was parked near the petitioner belonged to him. It is further alleged that petitioner disclosed that Hero HF Deluxe motorcycle which was parked at the place of occurrence belonged to co-accused Ritik Rai.

Learned counsel for the petitioner submits that petitioner is in custody since 24.11.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is innocent and has falsely been implicated in the present case. He further submits that co-accused Chandan Kumar and Md. Faizan have already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No. 24897 of 2023 and Cr. Misc. No. 8704 of 2023 respectively and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused have already been granted bail by the co-ordinate Benches of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution



evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., XII, Muzaffarpur (East) in connection with Sakra P.S. Case No. 622 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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