

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57619 of 2023

Arising Out of PS. Case No.-429 Year-2022 Thana- RAJAPAKAR District- Vaishali

CHHOTU KUMAR @ NAWIN KUMAR @ JASAR S/O MOHAN RAY
RESIDENT OF VILLAGE- PHULPURA, P.S- BIDUPUR, DISTT.-
VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
carry out necessary correction in paragraph-1 of the petition
during course of the day.

The petitioner seeks bail in connection with Rajapakar
P.S. Case No. 429 of 2022 registered for the offence under
Sections 394 of the Indian Penal Code and charg-sheet has been
submitted under Sections 394 and 412 of the Indian Penal Code.

The case relates to commission of loot on the point of
pistol committed by the unknown miscreants and taken away the
motorcycle and cash of Rs. 2000/- along with mobile phone of
the informant.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case during course of investigation on the basis of CAF of the looted mobile and thereafter the petitioner has confessed his guilt. He further submits that nothing incriminating article has been recovered from the possession of the petitioner. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that it has come in paragraph-129 of the case diary that the informant has refused to participate in the T.I.P conducted by the prosecution. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.01.2023 after being remanded from Bidupur P.S. Case No. 07 of 2023 on 11.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M., Hajipur, Vaishali in connection with Rajapakar P.S. Case No. 429 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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