

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65551 of 2022

Arising Out of PS. Case No.-452 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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CHANDRASHEKHAR GIRI @ MUKESH SAH Son of Punyadeo Sah @
Punyadev Giri R/O Village - Paschim Kargahiya, P.S.- Kalibagh O.P., District
- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-06-2023 A supplementary affidavit, carrying out necessary

correction in the main application, has been filed on behalf of the

petitioner, which forms part of this application.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Bettiah

Town (Kalibagh O.P.) P.S. Case No. 452 of 2020 registered for the

offence under Sections 457, 380 and 411 of the Indian Penal Code.

The petitioner has been apprehended by the police

after the disclosure made by the co-accused Sudarshan Giri who

was apprehended by the informant while committing theft in his

house.

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 allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the petitioner has not been named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Sudarshan Giri, he has been made accused in this case. In fact, nothing incriminating has been recovered from the house or conscious 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 the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 452 of 2020 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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