

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67200 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- SULTANGANJ District- Bhagalpur

CHHOTU KUMAR SON OF SRI HAR GOVIND SAH RESIDENT OF
VILLAGE - ADARSHNAGAR, SULTANGANJ, P.S. - SULTANGANJ,
DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 493 of 2022 registered on 07.03.2023
lodged under Sections 302, 201, 120B/34 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against two named accused persons. It has been alleged in the
F.I.R. that the brother of the informant has been killed and near
the dead body, blood stained brick was found and accordingly
seizure list was prepared.

4. Counsel for the petitioner submits that in the F.I.R.,
specific allegation is against Co-accused namely Khaja Kumar
and Chotu Kumar. Counsel submits that the name of the



petitioner is also Chotu Kumar but Chotu Kumar who is involved in committing such crime is a different person. As in F.I.R., the name of Chotu Kumar is the son of Bhola Manjhi whereas the present petitioner Chotu Kumar is the son of Har Govind Sah. Counsel for the petitioner submits that it is true that his name is also there in the fardbeyan, but F.I.R. has been lodged against only two accused persons by the police in the performa of the F.I.R.

5. He submits that conspiracy part is there in the F.I.R., but subsequently the name of the petitioner has been figured in this case by the virtue of confessional statement of the co-accused namely Khaja Kumar and due to which his bail application has been rejected.

6. Counsel further submits that petitioner is innocent and has committed no offence and the name of the petitioner has come only due to conspiracy. He further submits that petitioner is in custody since 21.12.2022 having clean antecedent and ready to fulfill all the condition ready to fulfill all the conditions, whatsoever shall be imposed upon him.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-16 Bhagalpur in connection with Sultanganj P.S. Case No. 493 of 2022 subject to the following conditions and subject to the condition laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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