

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67802 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- KHAIRA District- Saran

Chhotu Kumar S/o Bhagirath Ram Resident of village- Pojhiya/ Deoria, P.S.-
Kopa District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Heard Mr. Anjani Prashar, learned counsel
appearing on behalf of the petitioner and Mr. Vinod Shanker
Modi, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Khaira (Nagar) P.S. Case No. 351 of 2021
registered for the offence punishable under Section 394 of the
Indian Penal Code.

It is alleged that while the informant was returning
to his village on his Hero Honda Splendor, in the meantime,
three persons came on a motorcycle overtook him and after
assaulting him on the butt of the pistol, snatched his motorcycle
and fled away.

Learned counsel appearing on behalf of the
petitioner submits that the FIR has been instituted against



unknown miscreants, subsequently, the petitioner, who was arrested in connection with Baniyapur P.S. Case No. 399 of 2021, he has been remanded in the present case, besides twelve other criminal cases, the details whereof has been mentioned in para-3 of the bail application. He further submits that though the petitioner is in custody since 3.11.2021, till date he has not been put on T.I. parade nor any incriminating material has been recovered from his possession, showing his complicity in the present crime. He lastly submits that before institution of Baniyapur P.S. Case No. 399 of 2021, the petitioner had no criminal antecedent, however, on being arrested in connection with that case, his name has been implicated in all other cases and moreover the investigation of the crime has been complete and the charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is found involved in thirteen other criminal cases, besides the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither been put on T.I. parade nor any incriminating material has been recovered from his possession as also he has



remained in custody for over a period of one year and moreover mere criminal antecedent of a person cannot be the sole ground to keep him behind the bar for an indefinite period without any material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Saran at Chapra in connection with Khaira (Nagar) P.S. Case No. 351 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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