

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73925 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- BACHHWARA District- Begusarai

SANTOSH KUMAR @ CHATTAN SINGH son of Shyam Kumar @ Shyam
Kunwar village- Pidhauri Ps- Teghra Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Adv.
		Mr. Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 09 of 2023 registered for the offences
punishable under Sections 392, 397 of the Indian Penal Code.

3. As per prosecution case, on 12.01.2023 the
informant proceeded with collected amount of Rs. 30,490/- and
when he reached at Godhana National Highway, two unknown
persons came and pointed out pistol upon the informant and
snatched the motorcycle as well as aforesaid collected money
and fled away. Hence, FIR has been registered against two
unknown.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused, Nikesh Kumar @ Chhotu, Shivam Kumar @ Kari and Saurabh Kumar @ Polu. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Except the confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is in custody since 04.07.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. Petitioner has not been put on TIP as yet. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, 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 Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 09 of 2023, 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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