

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42 of 2023

Arising Out of PS. Case No.-463 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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CHHOTU KUMAR @ NEHAL S/o Late Dashrath Sah R/o- Adarshgram
Kolhua, Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2023 Heard the parties.

Petitioner renews his prayer for regular bail in connection with Town P.S. Case No. 463 / 2021 registered under Section 394 / 412 of the I.P.C. inasmuch as earlier bail application of the petitioner was dismissed as withdrawn by this Court *vide* Cr. Misc. No. 54522/2021 by order dated 17.05.2022 granting liberty to the petitioner to renew his prayer for bail afresh after six months.

As per the prosecution case, three miscreants entered into a jewellery shop in the name and style of Shree Alankar Jewellers, Saraiyaganj, Muzaffarpur and looted 5 KG of silver jewellery and while fleeing the petitioner was caught and ten pieces of *payal* (silver), one Honda Dream motorcycle and one



black colour Redmi MI mobile was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged. Petitioner has got no criminal antecedent and he is in custody since 27.06.2021. Referring to the supplementary affidavit, learned counsel submits that the co-accused persons namely, Sidharth Kumar and Shekhar Kumar have been granted bail by Co-ordinate Benches of this Court *vide* Cr. Misc. No. 573 of 2022 & 5521 of 2022.

Regard being had to the submissions made by the parties, taking into consideration the fact that petitioner is in custody since 27.06.2021, charge sheet has already been submitted and as per submission of learned counsel charge has been framed on 15.11.2022, similarly situated co-accused persons have been granted bail and this is 2nd attempt for grant of bail, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIX,



Muzaffarpur in connection with Town P.S. Case No. 463 / 2021 on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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