

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76608 of 2023

Arising Out of PS. Case No.-487 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Md. Chhotu @ Shahnabaj @ Shahbaj S/O Late Kamal R/O Village -
Khairabad, Chaipura, P.S.- Bihar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Laheri
P.S. Case No. 487 of 2022 instituted for the offences under
Sections 394, 307, 395, 397 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The prosecution case in short is that on 04.10.2022
at about 00.40 O'clock in the night, four miscreants entered in
the room of the Informant and started demanding key of the
locker from him. When the Informant refused, the accused hit
him on the head with a pistol due to which he sustained rupture
injury on the head and also shot on the arm of the Informant due
to which he became injured. Thereafter, the accused persons



snatched the golden and silver ornaments, cash of Rs. 3,000/- and a mobile phones from the daughters-in-law of the Informant and fled away from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and nothing incriminating has been recovered from the possession of the petitioner. No T.I.P. was conducted in this case till today. He further submits that the name of the petitioner has surfaced in this case on the basis of the confessional statement of one Md. Chhotu @ Shahbaj in Laheri P.S. Case No. 586 of 2022. Learned counsel for the petitioner further submits that co-accused Md. Arif @ Jhunnu and Navlesh Kumar have been granted bail by a Co-ordinate Bench of this Court vide orders dated 07.08.2023 and 07.07.2023 passed in Cr. Misc. Nos. 47223 of 2023 and 10144 of 2023 respectively. The petitioner has criminal antecedents of altogether 8 cases, all of similar nature of offence.

5. The petitioner is in custody since 13.01.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of



the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Laheri P.S. Case No. 487 of 2022, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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