

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1831 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- NTPC District- Patna

Chhotu Kumar @ Chandan Kumar, Son of Shiv Balak Yadav Resident of
Village - Dargahi Tola, Lemuabad, P.S.- Pandarak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 26-04-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner and Mr. Chandra Sen Prasad, learned Additional
Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with N.T.P.C. P.S. Case No. 67 of 2022, registered
for the offences punishable under Sections 147, 148, 149, 323,
447, 307, 504, 506, 379 of the Indian Penal Code and Section 27
of the Arms Act.



It is alleged that while the informant was sitting in his shop along with his uncle, in the meantime one person came there and on the point of pistol looted cash amount of Rs.1,84,00/- and when the informant made protest, they assaulted the informant and his uncle. It is further alleged that the petitioner caught hold the informant and another co-accused person snatched his gold chain, watch and mobile. Allegation of firing has been levelled against co-accused Jelar Yadav.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that no specific allegation has been levelled against any one with regard to loot of cash amount, however, only allegation against the petitioner is that he caught hold the informant and facilitate the robbery. He further submits that now the petitioner is in custody for over a period of 7 months and charge-sheet has already been submitted.

On the other hand, learned APP for the State opposed the bail application and submits that the petitioner is also named in two other criminal cases and there is specific allegation that he actively participated and facilitated the robbery.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the



fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Barh, Patna in connection with N.T.P.C. P.S. Case No. 67 of 2022, subject to the condition that one of the bailors will be the close relative 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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