

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16929 of 2024

Arising Out of PS. Case No.-986 Year-2023 Thana- GAYA MUFASIL District- Gaya

Chhotu Kumar @ Bauna, aged about 27 years (Male), son of Thakur Prasad,
resident of mohalla- Shivcharan Lane, PS- Buniyadganj, Dist- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Muffasil PS Case No.986 of 2023 dated 18.09.2023, instituted
for the offence punishable under Sections 394 of the Indian
Penal Code.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence the informant along with his brother
was returning home after closing the jewellery shop with cash of
rupees twenty thousand and gold item of 150 gr., diary, key of
locker, ATM Card and on the way four unknown persons
stopped his motorcycle and beaten them and snatched all their
belongings on the point of gun. They dragged the informant and
his brother towards the field where 5-7 persons were already



there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused only on the basis of his past criminal antecedents. It is further submitted that FIR has been lodged against four unknown accused. Petitioner has not been put on test identification parade till date. Nothing incriminating has been recovered either from the conscious possession of the petitioner or from the house of the petitioner. It is further submitted that co-accused, Nitish Kumar @ Vikas, has been granted anticipatory bail by this Court by order dated 18.03.2024 passed in Cr. Misc. No.17689 of 2024. Lastly, it is submitted that seven criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Gaya, in Muffasil PS Case No.986 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on



each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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