

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32547 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- DORIGANJ District- Saran

Chhotan Kumar, Son of Ramayan Rai, Resident of Village- Saidpur Bagahi,
P.S.- Dighwara Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Vijay Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Doriganj P.S. Case No. 07 of 2024 registered
for the offences punishable under Sections 395 and 397 of the
Indian Penal Code.

3. Allegedly, while the informant was standing
besides his truck, in the meantime, 7-8 unknown persons came
there and surrounded him. It is further alleged that out of all the
accused persons, one of them fired upon the informant on his
left leg and others assaulted him by means of Lathi. The accused
persons also snatched Rs.15,000/-.

4. Learned Advocate for the petitioner contended that
the F.I.R. has been instituted against unknown miscreants,
however, during the course of investigation, on the basis of



tower location, the mobile has been recovered from the possession of petitioner and thereafter the petitioner has also confessed his complicity in the crime. It is further contended that this is not a case of confession leading to recovery, rather allegedly looted mobile has been recovered from the possession of the petitioner and thereafter his confession has been recorded, which is hit by Section 25 of the Indian Evidence Act. It is next contended that the petitioner was apprehended on 15.01.2024, but till date he has not been put on Test Identification parade; apart from the mobile, in question, no other incriminating material has not been recovered. So far the recovery of mobile is concerned, learned Advocate further submitted that the same was purchased from a villager without any receipt. Now the petitioner is in custody for over a period of six months and the charge sheet has been submitted. The petitioner bears fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the looted mobile has been recovered from the possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration



and the fact that the petitioner has not been put on TIP till date, coupled with the fair antecedent and the statement of the petitioner that the mobile, in question, was purchased from a villager, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Doriganj P.S. Case No. 07 of 2024, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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