

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45022 of 2024

Arising Out of PS. Case No.-105 Year-2022 Thana- KHAIRA District- Jamui

Chhotu Singh S/O- Ramdeo Singh R/O Vill.- Bela Manpur, P.S.- Khaira,
Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-07-2024 Heard Mr. Panjak Kumar Sinha, learned counsel
for the petitioner and Ms. Rita Verma, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
16.01.2024, in connection with Khaira P.S. Case No. 105 of
2022, FIR dated 10.03.2022 for the offences punishable under
Section 395 of the Indian Penal Code.

3. As per the prosecution case, when the informant
along with his cousin Munna Kumar went to S.B.I. and
withdrawn Rs. 2,75,000/- to conduct his daily transaction at the
C.S.P. Centre when he reached at Satsang Bhawan of
Gidheshwar forest area, mistrials came on two motorcycle and
on the point of gun looted the bag in which rupees was put and
fled away.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR, the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Suman Kumar Pandey. He further submits that till date no TIP has been conducted by the prosecution and except the confessional statement of the co-accused person no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present case. He further submits that the recovery has been made from the possession of the co-accused person and petitioner has no concern at all with the alleged recovery or with the co-accused person from whom possession the recovery has been made. He further submits that the co-accused persons, namely, Chhotu Singh @ Malinga and Suman Kumar Pandey have already been granted bail by this Court vide order dated 14.02.2023 passed in Cr. Misc. No. 41575 of 2022 and in Cr. Misc. No. 53457 of 2022. He further submits that the petitioner has been remanded in the present case on 16.01.2024.

5. Learned APP for the State, on the other hand, vehemently opposes the prayer for bail of the petitioner and submits that although the petitioner is not named in the FIR but



his name has been transpired during the investigation on the basis of the confessional statement of the co-accused person apart from that the petitioner carries six cases other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that out of six cases the petitioner is on bail in four cases.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 105 of 2022 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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