

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45148 of 2024

Arising Out of PS. Case No.-1272 Year-2021 Thana- AGAMKUAN District- Patna

CHHOTU KUMAR @ CHHOTU YADAV @ RANJIT KUMAR CHOTU
S/O LATE LAL BABU YADAV @ LAL BABU YADAV R/O VILL-
KUMHARAR, GAWAL TOLI, P. S.-AGAMKUAN, DIST-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Adv. Mr. Krishna Pd. Singh, Sr. Adv. Mr. Jay Ram Prasad, Adv.
For the Opposite Party/s :		Mr. Md. Mushtaque Alam, APP Mr. Jitendra Kumar Singh,

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-09-2024 Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with
Session Trial No. 814 of 2023 arising out of Agamkuan P.S.
Case No. 1272 of 2021 for the offence punishable under
sections 341, 323, 342, 307, 302, 386 and 34 of the Indian Penal
Code lodged on 28.12.2021 by the informant, Srikant Kumar.

3. The prosecution story, in brief is that one Srikant
Kumar gave an application before S.H.O. Agamkuan Police
Station Patna on 28-12-2021 alleging therein that on 27/12/2021
at about 08:30 0' clock, the accused persons namely (1) Chhotu
Kumar (2) Kallu Kumar (3) Kundan Kumar, (4) Anshu Kumar,



(5) Vishal Kumar and others 3-5 persons assaulted and forcibly dragged her maternal uncle and as also him in the Alto Car and beaten by Iron Rod, Chain Belt, Bat and alleging that his mama had taken Rs-15,000/- and wanted in return 1 lakh rupees with interest.

4. Thereafter, the informant called elder Mama namely Subodh Kumar through Mobile who came and gave these persons cash amount of Rs. 15,000/-. They also took one blank cheque in the name of Bittu Kumar and FZ motorcycle as mortgage.

5. Twice the case of the petitioner was heard and rejected, firstly on 14. 07.2023 in Cr. Misc. No. 39787 of 2023 and later in Cr. Misc. No. 78670 of 2023 on 01.12.2023.

6. A report was called for according to which the trial is still on and the four witnesses have been examined. The I.O. and the informant are left for examination.

7. Learned Senior counsel submits that he has remained in custody since 09.02.2023 (para 4 to the petition) and further given a chance, will be diligently appearing in trial.

8. Learned APP opposes the prayer for bail submitting that he has also allegation of taking away the Mama and further assaulted him which led to his death.



9. Taking into account the fact that there is allegation against all the accused persons, not specific to this petitioner, he has remained in custody since 09.02.2023 and has undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Patna City in connection with Session Trial No. 814 of 2023 arising out of Agamkuan P.S. Case No. 1272 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial.

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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