

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47342 of 2024

Arising Out of PS. Case No.-614 Year-2023 Thana- BANKA District- Banka

Chandan Kumar, Son Of Nand Lal Yadav, Village- Asanghatta, P.S.- Katoriya,
Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Banka P.S. Case No. 614 of 2023 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. The prosecution case is based on the fardbeyan of
the informant, alleging therein, that while the informant was re-
turning to his CSP Centre after withdrawing cash amount of Rs.
1,40,500/-, in the mean time riders of the Apache motorcycle
came in from behind and dashed the informant. The accused
persons surrounded the informant and after slapping him,
snatched his mobile. It is also alleged that two persons came on
another Glamour motorcycle and on the point of pistol they
looted one lakh rupees after breaking the dickey of the motor-



cycle alongwith other valuables. The informant ran after the miscreants and he saw the registration no. of Glamour motorcycle as BR 51C 2472.

4. Learned counsel appearing on behalf of the petitioner contended that the narratives of the FIR reveals that it is the brother of the informant Bablu Kumar, who had informed the informant that the Glamour motorcycle having aforementioned registration no. belongs to one Chandan Kumar who was also seen speeding towards Baliyamara road. It is also the contention of the petitioner that the cousin brother of the informant also runs a CSP Centre; and an inimical term to the father of the petitioner. Hence when unfortunate incident took place, the brother of the informant has got a chance to implicate the petitioner. So far the motorcycle in question is concerned, it belongs to father of the petitioner. Save and except the allegation that the motorcycle in question was used in the crime, there is no identification with regard to the petitioner that he has anyhow participated in the crime. Neither he has been put on Test Identification Parade nor any looted articles or incriminating material has been recovered from his personal possession. The motorcycle in question was recovered from the house of the petitioner and, as such, the learned Advocate for the petitioner submitted that have the motorcycle been used for the purposes of the crime, it would have



certainly been concealed somewhere else. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court. Moreover, the investigation of the crime is complete and the charge-sheet have been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the informant has identified the Glamour motorcycle which was used in crime and subsequently recovered from the house of the petitioner. The complicity of the petitioner in the aforesaid premise cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no identification with regard to the petitioner that he has anyhow participated in the crime. Neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered. The petitioner bears fair antecedent and he undertakes before this Court that he will fully participate in the investigation or in the proceeding of the Court, let the petitioner, named above, 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 614 of



2023, 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.

(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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