

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48637 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- CHOUTARWA District- West Champaran

Mogal Kumar, Son of Nagendra Sah, Resident of Vill- Moula Nagar, P.S.-
Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 21-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Chautarwa P.S. Case No. 87 of 2024 registered for the offence punishable under Sections 395, 397 and 398 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant and two others including the driver of the pick-up van were returning to Azamgarh, Uttar Pradesh through his pick-up van bearing registration no. UP-50ET-1473, in the meantime, two persons came on a motorcycle and intercepted the pick-up van on the point of pistol. It is further alleged that when the informant



stopped the pick-up van, in the meanwhile other four criminals riding on two motorcycles also arrived there and on the point of pistol snatched the valuables including a cash of Rs. 20,000/-, however, when the protest has been made the criminals fired upon them, due to which the driver Md. Yasir and Md. Raju sustained bullet injury.

4. Learned Advocate appearing on behalf of the petitioner contended that the FIR has been instituted against unknown miscreants however, during the course of investigation co-accused Pappu Kumar was apprehended by the police and on whose confession the name of the petitioner and others surfaced. It has also come that it is Pappu Kumar on whose disclosure three country made pistol and four live cartridges were recovered. Save and except the confessional statement, there is no other materials suggesting the complicity of the petitioner in the crime. The petitioner has been remanded in this case from Chautarwa P.S. Case No. 88 of 2024 registered under the penal provisions of the Arms Act. Since the date of remand the petitioner has been incarcerated in this case but surprisingly the petitioner has not been put on test identification parade, nor any incriminating material has been recovered from his possession or whereabouts. It is lastly contended that now the investigation



of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that apart from three criminal antecedent of the petitioner, during the course of investigation it has come that the petitioner was in touch with the co-accused Pappu Kumar all along, on the fateful day.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is based upon confessional statement and now the investigation of the crime is complete and the chargesheet has been submitted, 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 Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 87 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.

(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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