

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52494 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- BHAPTIAHI District- Supaul

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Chandan Kumar Mehta @ Chandan Kumar @ Om Prakash Kumar Son of
Shivji Mehta @ Shiv Narayan Mehta RESIDENT OF VILLAGE-
KALYANPUR, P.S.- BHAPTIYAH, DISTT.- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-09-2024 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Bhapatiyahi P.S. Case No.65 of 2023 under Section 394 of the Indian Penal Code read with sections 25(1-B)a, 26, 35 and 27 of the Arms Act and subsequently, section 302 of the I.P.C. has been added.

3. As per the prosecution, the FIR has been lodged against four unknown accused persons with an allegation that they had committed robbery on the gun point from the informant.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that the petitioner is not named in the F.I.R. and he has been named in the F.I.R. by virtue of confessional statement of co-accused.

5. Learned Counsel further submits that confessional statement is of no use before the Court of Law until and unless, it should not be corroborated. He further submits that from the rejection order, it has come that the looted materials *i.e.*, one Pulsar motorcycle and *desi katta* have been recovered from one co-accused Neeraj Kumar.

6. Learned Counsel also submits that antecedent of the petitioner is not clean. There are two criminal case pending against him in which he is on bail. He further submits that the petitioner is ready to fulfill all the condition whatsoever shall be imposed upon him. He further submits that nothing incriminating has been recovered from the possession of the petitioner which has been made in the confessional statement.

7. Learned APP for the State opposes the prayer for bail and submits that case diary has been called for. From the case diary, confessional statement has come at the mouth of three accused persons that he is involved in commission of



robbery and dacoity. It has also come that there is only confession and no corroboration in this case.

8. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 4 weeks from today, after being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him *i.e.,(i) Bhapatiyahi P.S. Case No.83 of 2023. (ii) Bhapatiyahi P.S. Case No.138 of 2022*, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in connection with Bhapatiyahi P.S. Case No.65 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

9. With the aforesaid direction, the present bail application is hereby allowed.

(Dr. Anshuman, J.)

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