

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62272 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- MAKER District- Saran

Chhotu Kumar, S/O Vijay Manjhi, R/O Village- Dhorlahi Kaithal, P.S-
Amnour, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 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 Maker P.S. Case No. 256
of 2023 registered for the offence punishable under Sections 394
of the Indian Penal Code.

3. Allegedly while the nephew and the brother-in-law
of the informant were going on a Apache motorcycle bearing
registration no. BR 04AJ 9462, in the mean time, three
miscreants came on a motorcycle and started snatching the
motorcycle and mobile from both of them. In course of
snatching the valuables, the three miscreants shot thrice to the
injured, Ashish Kumar. Nitish Kumar also sustained injury on



his right side of chest.

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, the police apprehended one Rahul Kumar Pandey and only on his confession the name of the petitioner has sprung up. Save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the crime. Though the petitioner has been incarcerated since 16.03.2024, but till date, neither the petitioner has been put on test identification parade, nor any incriminating material has been recovered. It is lastly contended that be that as it may, now the investigation of the crime is complete and the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or threatening the witnesses.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that three criminal antecedent of the petitioner speaks loud about his involvement in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the



investigation of the crime is complete and the charge-sheet has been submitted, however without there being any test identification parade. Mere criminal antecedent of a person cannot be the sole ground to keep him behind the bar for an indefinite period without there being cogent material. 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-XIIIth, Saran at Chapra in connection with Maker P.S. Case No. 256 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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