

IN THE COURT OF 5TH ADDL DISTT. & SESSIONS JUDGE, BHAGALPUR
S.T.886/2018

Chhotu Kumar Versus State of Bihar
For the petitioner : Shri Narendra Kumar Jha, Advocate
For the prosecution : Shri Deep Kumar, Addl. P. P.

ORDER

04-01-2019 Heard the learned Advocates and perused the instant case record.

On perusal it appears that the petitioner namely Chhotu Kumar is facing S.T. Case No. 886/2018 corresponding to Kahalgaon (Ghogha) P. S. Case No.496/2018 U/s 392 IPC & later on converted U/s 395, 412 IPC

The prosecution case is based upon the written report of the informant Kalim Ahmad Khan that he is the resident of Shahjahanpur U.P. and driver of truck no UP-27-AT 1340 started from village Dhiyara PS. Manjhila Hardoi U.P. to Sahebganj on 25.07.2018 with his villagers cum cleaner Md. Usman Khan and on 28.07.2018 reached at there and after unloading the same and returned to Bhagalpur on 29.07.2018 when he reached in the Ghogha P. S. at Pakki Sarai at 1.30AM, the road was blocked and he was inside the truck and at 2.30 AM 3-4 unknown persons surrounded the cabin of the truck from both sides one person each pointed pistol on his temple and after threatening snatched Rs.50,400/- from his pocket and one black Chinese mobile having twin SIM bearing 9454608960 and 7380681356 were snatched and they were under age of 18 to 25 years and they had covered their faces with towel and they were in pant shirt and claimed to identify them if brought before them.

The learned Advocate for the petitioner submitted that the petitioner is quite innocent and has been falsely implicated on mere suspicion and has been arrested without identification and rotting in jail since 01-8-2018 and there is no criminal antecedent and he has been made accused with intention to arrest him without any fault hence he deserves bail.

The learned Addl. P. P. conceded that there is no criminal history but submitted that confessional statement of the co-accused in detail which is sufficient to implicate the petitioner and the investigation is still going on hence he does not deserve bail.

Considering the facts noted above and seeing no criminal antecedent and the bail order of Hon'ble High Court passed in Cr. Misc. No.72660/2018 in which other co-

accused Mithun Paswan had been granted bail hence he is also granted bail on same condition on his furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each and one of the bailor should be local having sufficient immovable property and the petitioner shall co-operate and shall remain physically present and avoid tampering with the evidence as his case is on better than the accused Mithilesh.

7th Addl. Distt. & Sessions Judge,