

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15446 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- BUDDHACOLONY District- Patna

VISHU @ VISHWAJEET RAM @ VISHWAJEET KUMAR, aged about 30 years, Son of Krishna Ram, Resident of China Kothi Harijan Colony, P.S.- Budha Colony, District- Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ganesh Prasad Yadav, Adv.
For the Opposite Party : Mr. Arun Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 07.07.2018 in connection with Buddha Colony P.S. Case No. 115 of 2018 for the offences alleged under Sections 457 and 380 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that when he woke-up in the morning he found that from the room of his sister-in-law the lock of almirah has been broken and Rs.50,000/-, ornaments and lap-top have been stolen.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report and has been falsely implicated in the aforesaid case in the confessional statement of a co-accused, Chandan @ Chhotua, who has revealed the name of the petitioner along with



others to have committed the said offence. He submits that confessional statement before the police has no evidentiary value in the eye of law and some of the co-accused, named by the said Chandan @ Chotua, have already been granted the privilege of bail by the learned Court below, itself, but just because the petitioner does not bear a clean antecedent he has been denied the privilege of bail. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender as three more cases of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, the period of custody and that charge sheet has already been submitted and some of the accused, on similar allegation, have already been granted the privilege of bail by the learned Court below, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Buddha Colony P.S. Case No. 115 of 2018 to the satisfaction of the learned Additional Chief Judicial



Magistrate, XVI, Patna, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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