

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17915 of 2021**

Arising Out of PS. Case No.-457 Year-2020 Thana- RAJAOLI District- Nawada

VISHAL KUMAR S/O Subodh Sigh R/o Badi patandevi Colont, Gulzarbagh,
P.S. - Alamganj, District - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Rajauli P.S. Case No. 457/2020 registered for the offences punishable under Section 414 of the Indian Penal Code.

As per prosecution story, the informant while on patrolling duty received a secret information that inside the Purani Road Rajauli Bazar two suspicious persons were waiting someone after standing their motorcycle, the informant reached at the pointed place but on seeing police party they tried to flee away with the police force one of them was caught, the said person disclosed his name as Vishal Kumar (the petitioner). The



informant alleged that from possession of the petitioner one HDFC Bank ATM Card, one ATM Card of Bank of Baroda, Aadhar Card, master key of breaking lock of motorcycle etc. were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that no incriminating article has been recovered from the possession of the petitioner and he is in custody since 25.09.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that petitioner has been falsely implicated in this case, there is no recovery of any incriminating article from him, he has remained in custody in connection with this case for about nine months, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P.S. Case No. 457/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

