

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21017 of 2021**

Arising Out of PS. Case No.-146 Year-2019 Thana- VAISHALI District- Vaishali

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Guddu Kumar S/O Jailal Rai @ Jaut Rai @ Jailal Roy R/O Village-Keshopur,
P.S.- Vaishali, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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

2 05-08-2021 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 Vaishali P.S. Case No. 146 of 2019 registered

for the offences punishable under Section 395 of the Indian

Penal Code.

As per the prosecution story, the informant has

alleged that he was the driver of the Pick Up Van of Mahindra

Bolero loaded with the goods of Udan Company, when he

reached near Cold Storage at village Shahjahapur under Vaishali

District one Bolero Vehicle over took him and stopped the

informant, one person caught hold of him and forced to sit in their vehicle. The informant further alleged that he was tied with a tree at Daudnagar and his mobile along with Rs. 3000/- and driving licence were snatched and looted away by the miscreants.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report, however his name has transpired in the confessional statement of the co-accused Sonu Kumar. Learned counsel submits that the statement of the co-accused has been extracted in police custody, till date no Test Identification Parade has taken place and no incriminating material has been recovered from the possession of the petitioner.

It is further submitted that the co-accused similarly situated namely, Md. Kayum Ansari has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 37501/2020. As regards the observation made in the impugned order, learned counsel submits that the petitioner has no criminal antecedent and as such the observation made by learned A.D.J. - XI, Vaishali at Hajipur while rejecting the prayer for bail of the petitioner is baseless.

Learned A.P.P. for the State has though opposed the

prayer for regular bail of the petitioner but at the same time does not dispute that similarly situated accused has been granted bail by a learned coordinate Bench of this Court.

Considering the facts and circumstances of the case, in the nature of the materials before this Court and the period of custody of the petitioner since 23.11.2020 and there being no criminal antecedent of the petitioner, this court directs release of the 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, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 146 of 2019 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)

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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'.