

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26373 of 2021

Arising Out of PS. Case No.-950 Year-2019 Thana- NAGAR District- Vaishali

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Ravi Giri, S/O Lal Giri, Resident of Village Khajauli, P.S. Derni, District-
Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2021 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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Hajipur Town P.S. Case No. 950 of 2019 registered for the offence punishable under Section 379 of the Indian Penal Code later on converted to Section 392 of the Indian Penal Code. He is in custody since 05.11.2020. Petitioner has got eight criminal antecedents.

As per the prosecution story, the informant alleged that he is a trader of vegetables and he boarded Kanha Bus at Kishanganj on 16.10.2019 at 8.00 P.M. and on 17.10.2019 in the morning he stepped down from the Bus and was waiting for Bus near Ramashish Chowk



over bridge. In the meantime, two miscreants came on a motorcycle and after taking him on the motorcycle they proceeded towards Anjan Peer and on the way they stopped and one another person came there on a motorcycle and they all snatched his bag containing Rs. 5,00,000/-and other articles. It is stated that the occurrence was captured in CCTV footage of Gurukul Vidyapeeth, Ganpati Autoparts and Bajrang motor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the alleged occurrence took place on 17.10.2019 and the F.I.R. has been lodged on 19.10.2019. It is stated that in order to grab the farmer's money the present F.I.R. has been lodged. The petitioner is in custody since 05.11.2020 but no Test Identification Parade has been held.

Learned counsel submits that although in the case diary eight cases are reported against the petitioner but the fact is that out of eight cases, in two cases (Sl. No. IV and VI) petitioner is not named and in other six cases, he is on bail.

Mr. Akhileshwar Dayal, 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 the petitioner is neither named in the First Information Report nor any recovery has been made from his possession or he has been identified in connection with the present case, considering that



he has remained in custody since 05.11.2020 and out of eight cases, stated in paragraph '3', in six cases he is on bail, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing 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 Hajipur Town P.S. Case No. 950 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Derni police station in the District of Saran at Chapra and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of



Derni police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

