

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36538 of 2020**

Arising Out of PS. Case No.-66 Year-2020 Thana- HAJIPUR District- Vaishali

Ravindra Kumar son of Arbind Singh @ Arvind Kumar Singh resident of
village- Khilbat, P.s.- Bidupur, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Renu Kumar, APP

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

4 09-07-2021 Heard learned counsel for the petitioner and Ms.
Renu Kumar, 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. 66/2020
registered for the offence under Section 394 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report. The
alleged occurrence took place on 21.02.2020 at about 8:00 A.M.
in which the informant was intercepted by two persons who
were covering their face and were riding on a motorcycle. On
the point of pistol they snatched one Redmi mobile have two
Sim Cards and one Samsung mobile having Sim and cash of Rs.
1500/-, they fired on his right thigh as a result of which he



became unconscious and fell down. His treatment was going on in Sadar Hospital, Hajipur when the F.I.R. was registered.

Learned counsel for the petitioner submits that it so happened that on 21.02.2020 while the petitioner was going to the house of his sister situated at village Bhatta Dasi flouting within Raja Pakar Police Station at Vaishali District by motorcycle of his cousin brother-in-law namely Vijay Kumar, police caught him on the pretext of checking. He was asked to produce the papers of the vehicle, the petitioner produced his papers and driving license as also showed the papers of his mobile phones but could not please the police party and for this reason he was tortured. On 23.02.2020 he was involved in Raja Pakar P.S. Case No. 37/2020 and the mobile phone of the petitioner was kept by police without preparing any seizure list. In this regard, request was made by the brother-in-law of the petitioner to S.H.O. Raja Pakar Police Station as also to the Superintendent of Police, Vaishali stating all facts but ultimately when no response came a complaint case has been filed giving rise to Complaint Case No. 928/2020 in the court of learned C.J.M. Vaishali and learned counsel for the petitioner informs this court that the same has been sent to the police station for lodging the F.I.R. and investigation.



Learned counsel for the petitioner further submits that the petitioner is in jail in connection with this case in which police extracted confessional statement in police custody and on that basis petitioner has been taken on remand in the present case as well as all the cases stated in paragraph '3' which were registered against unknown.

Learned counsel submits that till date neither there is nay identification of the petitioner nor any incriminating article has been recovered from the possession of the petitioner and on finding this, the learned coordinate Benches of this Court has granted bail to the petitioner vide Cr. Misc. No. 30111/2020 and Cr. Misc. No. 1558/2021.

Ms. Renu Kumari, learned A.P.P. for the State has gone through the case diary and she has categorically stated after going through the same that except the confessional statement extracted in police custody, there is no other material in form of identification or recovery of any incriminating article or any circumstance against the petitioner. Learned A.P.P. submits that there is no scientific investigation done by mobile location etc.

Considering the facts and circumstances of the case wherein except the confessional statement extracted in police



custody and there is no other material against the petitioner, this Court is inclined to release 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. 66/2020, 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'.

