

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37165 of 2020**

Arising Out of PS. Case No.-472 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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BIMAL SINGH Son of Late Sone lal Singh Resident of Village -
Khushkibagh, Police Station - Sadar, District - Purnea

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar-1, APP

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

4 12-07-2021 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 K. Nagar P.S. Case No. 472/2019 registered for
the offences punishable under Section 395/397 of the Indian Penal
Code and Section 3/4 of the Explosive Substance Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report. His name
has transpired in course of investigation in the confessional
statement of the co-accused.

Learned counsel further submits that in fact the
petitioner has been brought in this case because of his criminal
antecedent, otherwise till date there is no identification of the
petitioner, the police has shown recovery of some silver ornaments



and one Aadhar Card of the Staff of the informant but the silver ornaments which is also not very huge in number has not been put on Test Identification Parade and such silver ornaments may be found in the house of the co-accused.

Learned counsel submits that the petitioner has got nine cases as criminal antecedent, he is on bail in eight cases as on date.

It is lastly submitted that in connection with the present case petitioner is in custody in connection with this case for 1½ years, investigation against him is complete but the trial is not likely to take place in near future, thus, the petitioner may be released on bail on such terms and conditions.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the Aadhar Card of the Staff has been found in course of raid in the house of this petitioner. Learned A.P.P. however admits that in the case diary nothing has come to show that the silver ornaments which have been seized from the house of the petitioner has been put on T.I.P. or that the informant has identified either the petitioner or the silver ornaments.

Considering the facts and circumstances of the case wherein except the confessional statement of the co-accused there is no substantial material at this stage to take a view, the petitioner is in custody since 06.01.2020, 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 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, Purnea in connection with K. Nagar P.S. Case No. 472/2019, 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.

Further, considering the criminal antecedent of the petitioner, this Court directs that till conclusion of the trial in the present case the petitioner shall mark his attendance with the Station House Officer of Sadar Police Station within whose jurisdiction the petitioner is residing at least once in two months and shall make available his mobile number and whereabouts to the Station House Officer.

In case, in course of his employment he is required to stay at any other place, the petitioner will furnish his complete address and mobile number to the Station House Officer of the Police Station. Breach of this condition will be treated seriously and it would be open for the Station House Officer of the concerned Police Station to file an appropriate application for cancellation of bail bond of the petitioner.

(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'.

