

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3456 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- NATWAR District- Rohtas

VISHAL SRIVASTWA SON OF LATE BIJAY SRIVASTWA Resident of
Village/Mohallah - Barka Gaon, P.S.- Belaon, Distt.- Kaimur (Bhabhua),
Bihar Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Subhen Sarkar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

2 26-03-2021 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 Natwar P.S. Case No. 13 of 2020 registered for
the offences punishable under Sections 392 and 411 of the Indian
Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story two persons had come to the house of
informant for drinking water and entered into his house. At that
time all the family members, except his younger sister, were at the
backside of the house. When informant's sister brought water for
the two persons he saw that they were collecting some articles



from his house. When informant's sister raised alarm they tried to fled away but one of them was caught by the informant. In the meantime, informant's sister called the police and the accused person was taken into custody. It is alleged that articles and about Rs. 2,00,000/- had been stolen from his house.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody since 02.03.2020.

Learned A.P.P. for the State is present and 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 the learned counsel for the petitioner that the allegation made in the First Information Report only constitute an offence under Section 379 of the Indian Penal Code, the petitioner has no criminal antecedent and has remained in jail in connection with the present case since 02.03.2020, investigation against him is complete but there is no chance of conclusion of trial in near future, this Court directs that petitioner above named be released 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 Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Natwar



P.S. Case No. 13 of 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.

This application stands disposed of accordingly.

(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'.

