

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.246 of 2021

Arising Out of PS. Case No.-195 Year-2019 Thana- SISWAN District- Siwan

Vishwajeet Kumar Sah @ Sonu Gupta S/O Bhola Sah Resident Of Village-
Ramgarh, P.S.-siswan (chainpur O.P.), District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-03-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Damodar Prasad Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Siswan (Chanipur O.P.) P.S. Case No. 195 of 2019 registered for the offences punishable under Section 394 of Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is a Field Officer in Bandhan Bank, Chainpur was going to Ramgarh Village after collecting an amount of Rs. 68,955/- then two unknown persons on a motorcycle tried to snatch his bag in which the said money was kept. Upon protest one of the persons shot in the finger of informant due to which he fell down from the motorcycle and the accused persons fled



away with the money.

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 petitioner is in custody since 29.04.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, in which it is the submission of learned counsel for the petitioner that the informant of this case is co-villager of the petitioner but he had not named the petitioner in the FIR, later on he has been brought within the purview of this case on the basis of a statement of a witness that he was passing through the same way, however, such statement has come after a long time of lodging of the FIR and prior to the present case the petitioner has no criminal antecedent, though now he has been involved in three cases after this case and out of those three cases still the police has not taken production in the two cases and that the petitioner is in jail since 29.04.2020, considering the entirety of the facts and circumstances of the case, this Court directs release of the above-named petitioner 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 A.C.J.M. -IV, Siwan in connection with Siswan (Chanipur O.P.) P.S. Case No. 195 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.

The application stands allowed.

(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'.

