

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2241 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- VAISHALI District- Vaishali

Rajan Kumar aged about 22 years Sex Male, s/o Sunil Kumar Resident of
Village Bedaulia, PS & District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opp.Party

Appearance :

For the Petitioner : Mr. Yugal Kishore, Advocate

For the State : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-05-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the petitioner and learned counsel for the State

The petitioner seeks bail in Vaishali P.S. Case No. 225 of 2020, instituted for the offence under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

One wagon-R vehicle has overtaken the informant's Bolero pick up van which was carrying 70 bags of wall putty weighing 40 kg each. 4 to 5 unknown miscreants have alighted from the wagon-R, looted the material and fled away. Rs. 3,600/-is also alleged to have been taken by the miscreants.

The learned counsel for the petitioner submits that based on confessional statement of co-accused Aman Kumar, he has



been dragged in this prosecution though he has no concern whatsoever. The alleged recovery of 20 kg wall putty from his house is based on extraneous consideration as the same is not in accordance with Section 100 Cr. PC. Neither the petitioner nor the recovered substance has been put on Test Identification Parade. The petitioner having no criminal antecedent is in custody since 12.07.2020 and co-accused Shubham Joshi @ Subham Joshi similarly situated as the petitioner has been allowed the privilege of bail in Cr. Misc. No. 32494 of 2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 225 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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