

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9241 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- RAHUI District- Nalanda

VIJAY RAM SON OF NANDU RAM RESIDENT OF MOHALLA-
ANAND PATH, GANDHI NAGAR, KATI FACTORY ROAD, P.S.- AGAM
KUAN, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Humayun Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Rahui (Wena)
P.S. Case No.73 of 2020 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per the prosecution case, the informant has alleged
that while he along with one Executive Engineer were going
towards Biharsharif from a Scorpio car, one Maruti 800



overtook the vehicle near village Paithana and stopped his vehicle. Four persons came out of the said vehicle and on the point of pistol, one accused hit on the head of informant and thrashed the informant and the Engineer in the back seat. Two of the accused also sat on the vehicle with pistol and one accused drove the vehicle. It is further alleged that in the way they threw both the informant and Engineer out of the vehicle and took away the vehicle with them. They also snatched other articles like Mobile, Adhar Card, ATM etc.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot and only on the basis of confessional statement of co-accused, he is named in the present case. No incriminating article has been recovered from his conscious physical possession. Till date no T.I. parade has been conducted. Charge sheet has been submitted in this case. It is further submitted that similarly situated co-accused namely Monu Kumar and Kanhai Das have been granted regular bail vide Cr.Misc.No.3295 of 2021 dated 25.05.2021 by a co-ordinate Bench of this court. The petitioner



has one criminal antecedent and has been languishing in custody since 21.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and that the similarly situated co-accused have been granted bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Rahui (Wena) P.S. Case No.73 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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