

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22688 of 2021**

Arising Out of PS. Case No.-82 Year-2020 Thana- MANSI District- Khagaria

BITTU RAJAK SON OF GIRISH RAJAK @ GIRIS RAJK RESIDENT OF
VILLAGE- BALHA BAZAR, P.S- MANSI, DISTRICT- KHAGARIA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram,Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin,APP

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

3 21-08-2021 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. Syed Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mansi P.S. Case No. 82 of 2020 registered for the offences punishable under Section 395 of the Indian Penal Code.

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

There is no test identification parade of the petitioner

and the only recovery which has been shown from the possession of the petitioner is a mobile phone with a given mobile number. It is pointed out that the informant has categorically stated in the FIR that what articles have been looted away. He has not alleged that any mobile was kept in the bag which was snatched away from him.

Learned counsel further submits that this petitioner has nothing to do with the motorcycles which were shown to have been recovered by police later on.

Learned counsel submits that in this case some of the co-accused have been enlarged on bail by learned Co-ordinate Bench of this Court as well as by this Court in Cri. Misc. No. 39129 of 2020 and Cri. Misc. No. 10486 of 2021. The petitioner is in custody in connection with this case since 18.03.2020, he has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but it is not denied that some of the co-accused have been granted bail by learned Co-ordinate Bench of this Court as well as by this Court.

Considering the facts and circumstances of the case wherein the petitioner is said to be similarly situated with the co-accused who have been granted bail and he is in custody in

connection with this case for about one and half year having otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Ms. Pallavi Anand, Judicial Magistrate, 1st Class, Khagaria in connection with Mansi P.S. Case No. 82 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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'.