

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3999 of 2022

Arising Out of PS. Case No.-623 Year-2020 Thana- MAHUA District- Vaishali

Niwash Kumar @ Niwas Kumar Son of Dinesh Ray Resident of Village -
Fatehpur Pakri, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 623 of 2020 registered
for the alleged offences under Section 392 of the Indian Penal
Code.

As per prosecution case, four unknown miscreants
on two bikes carrying fire arms snatched the bag of the
informant containing his certificates, aadhar card and other
documents. Thereafter, the informant received a phone call
asking him to come at a certain place to get his certificate, but
when informant went there he did not find anyone or anything.

The name of the petitioner transpired during investigation as one of the accused persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The occurrence took place on 22.10.2020 but the F.I.R. was registered on 25.10.2020 and no reasonable explanation has been given for the delay. The name of the petitioner transpired on the basis of his confessional statement which was forcibly recorded by the police when the petitioner was arrested in Mahua P.S. Case No. 32 of 2021. The petitioner was remanded in this case on 08.03.2021 but no Test Identification Parade has been carried out, police did not trace the motorcycle or the phone number from which the call was made to the informant. Nothing incriminating has been recovered from the possession of this petitioner. Charge sheet has been submitted against the petitioner.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner surfaced during investigation when he was apprehended in some other case.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

the period of custody of this petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 623 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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