

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12557 of 2022

Arising Out of PS. Case No.-743 Year-2021 Thana- NAGAR District- Vaishali

ANUPAM KUMAR, S/o Santosh Jha @ Santosh Kumar Jha R/o village-
Lavapur, P.S.- Mahnar, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 743 of 2021, registered for the offences
punishable under Sections 379, 411, 341, 324 and 308 of
the IPC.

As per allegation, when the informant was going to
catch a Tempoo, the petitioner snatched his chain with locket
of Hanuman Jee from his neck and started fleeing away. He,
with the help of some people, caught the petitioner and
handed him over to the police.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He submits that the search and seizure has not been made as per the rules provided by Cr.P.C. He further submits that he was not arrested on the spot. He also submits that the investigation has already been completed and charge-sheet has been submitted and the case is at the stage of commitment. He further submits that the case is triable by Magistrate. He also submits that the petitioner has been languishing in jail since 20.09.2021, i.e. for about 11 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing



bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, in connection with Town (Hajipur) P.S. Case No. 743 of 2021, **after framing of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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