

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13429 of 2022

Arising Out of PS. Case No.-645 Year-2021 Thana- MAHUA District- Vaishali

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Aman Kumar Son of Anil Kumar Singh Resident of Village - Birpur
Singhara, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. N.K.Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Shyameshwar Kumar Singh, learned
counsel for the petitioner as well as learned Additional
Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Mahua P.S.Case No. 645 of 2021 for the
offences punishable under Sections 392 of the Indian Penal
Code.

As per the prosecution case, it is alleged that on
19.10.2021, while the informant came out from the station ,
one persons came and requested to drop him at Mahua. On
the request informant took him in the Alto Car bearing



registration no. BR-06BY-4182, which belongs to the employer and proceeded to Mahua, in the meantime, two miscreants intercepted his car on the point of pistol, snatched his mobile and other valuables and also looted his Alto car and fled away.

It is submitted by the learned counsel for the petitioner that the FIR has been instituted against the holder of Mobile no. 7970918831 and of two unknown persons. It is submitted that mobile number which is disclosed in the FIR does not belong to the petitioner and so far as this petitioner is concerned, he is in custody since 31.10.2021 but till date he has not been put on TIP. It is next submitted that though the recovery has been shown to be made from the joint possession of the petitioner and other co-accused persons but the fact is the same has been recovered from abandoned place and this petitioner was arrested on suspicion and his name has been implicated in this case on his own confession. It is further submitted that other two persons, who were also arrested by the police have been granted bail by the learned court below itself. Copy of which has been brought on the record by way of



Annexure-2 to this petition. It is further submitted that this petitioner has fair antecedent and he is in custody since 31.10.2021 and moreover, investigation has already been concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that looted Alto Car has been recovered from the joint possession of the petitioner and other co-accused persons.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been shown to be made from the joint possession of all the accused persons and two of them have been granted bail by the learned court below itself and this petitioner is in custody since 31.03.2021, having fair antecedent and moreover, investigation has already been concluded and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds 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. 645 of 2021 subject to the condition that one



of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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