

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20399 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- CHANDI District- Bhojpur

VISH RANJAN KUMAR Son of Late Hemnath Singh Resident of village -
Jogta, P.S. - Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioner submits that name of the court has wrongly been mentioned in prayer portion of the petition. He may be permitted to correct the same by filing supplementary affidavit. Let him do so.

Heard learned counsel for the petitioner and the State through Video Conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 392 of the Indian Penal Code,

As per allegation three accused persons stopped the informant when he was running his motorcycle and thereafter accused persons looted his motorcycle, mobile phone by putting him in fear by showing pistol.



The main submissions advanced by the learned counsel for the petitioner are that petitioner was not arrested at the spot, he was not put on TI Parade after his arrest and name of the petitioner came into light in the confessional statement of co-accused Hema Kumar before police which has no evidentiary value, he has been languishing in jail since 24.8.2021, investigation has been completed and one co-accused Pappu Kumar has been granted bail vide order passed in Cr. Misc. no. 16930/2022 and petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having considered the above submissions, petitioner's clean antecedent as mentioned in the order of the learned court below and also the fact that investigation has been completed in connection with the petitioner and alleged looted motorcycle is stated to have been recovered from co-accused Hema Kumar as reflected from the order of the learned court below and with the implicitness of the petitioner in the alleged crime prosecution is mainly relying upon statement of the co-accused Hema Kumar, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara/ concerned court in Chandi P.S Case No. 162 of 2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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