

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20983 of 2022

Arising Out of PS. Case No.-695 Year-2021 Thana- NAGAR District- Vaishali

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RAJA KUMAR @ PRASHANT RAJ, son of Rajesh Kumar Jha, Resident of
Village-Subhai, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary

For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Town
Hajipur P.S. Case No. 695/2021 registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 04.09.2021 the informant
was at his shop at 6.30 pm at that time a customer was present,
in the meanwhile, three miscreants who were put mask in their
faces came at the shop and on point of pistol looted cash rupees
and also cheque book, pass book, Aadhar Card, Pan Card etc. It
is further alleged that one mobile phone of the informant also
snatched by the miscreants and fled away.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and no any incriminating articles has been recovered from the possession of the petitioner. He further submits that there is no T.I.P. was conducted till date and the name of petitioner has been transpired in this case on the basis of confessional statement of co-accused, Sawan Kumar as mentioned in the impugned order in para 53 of the case diary. The petitioner is languishing in custody since 23.10.2021 bears criminal antecedent of three cases in which one case is of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Town Hajipur P.S. Case No. 695/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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