

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27822 of 2022

Arising Out of PS. Case No.-578 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Suraj Kumar @ Suraj Kumar Rai @ Suraj Rai Son of Raja Rai @ Raja Prasad Rai Resident of Village - Dighi Kala West , P.s.- Hajipur Sadar , in the distt. of Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Section 397 of the Indian Penal Code.

According to prosecution case, the informant who is the Branch Manager of Sriram Finance Company, Hajipur alleged that five miscreants entered into his Office and looted cash of Rs. 6,81,000/- on the point of fire arm. They also snatched mobile phone and other belongings of the staff. During



the said occurrence Abhishek Kumar Jha got injured.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused namely Pratap Rana @ Chhotu Singh. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pankaj Kumar and Vishal Paswan have been granted bail by a co-ordinate Bench of this Court vide orders dated 02.07.2020 and 06.05.2022 passed in Cr. Misc. No. 17269 of 2020 and Cr. Misc. No. 64460 of 2021 respectively and another co-accused person Chhotu @ Pratap Rana has been granted bail by a co-ordinate Bench of this Court vide order dated 18.07.2022 passed in Cr. Misc. No. 72542 of 2021. The petitioner is in custody since 20.04.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and



submits that petitioner carries ten criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Hajipur Sadar P.S. Case No. 578 of 2019, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the



petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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