

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38943 of 2021**

Arising Out of PS. Case No.-368 Year-2020 Thana- VAISHALI District- Vaishali

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Vishwajeet Kumar @ Jugnu Singh Son of Dilip Singh Resident of Jhajha
Paterha, P.S.- Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-06-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ashok Kumar, learned counsel for the
petitioner and Mr. Anand Kishore Choudhary, learned
Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Vaishali P. S. Case No. 368 of 2020
registered for the offences punishable under Section 394 of the
Indian Penal Code.



As per the prosecution case, it is alleged that while the informant along with his family members were going from Laloo Chapra to Patna, in the meantime, four criminals riding on two motorcycles tookover the informant's bike and surrounded them. It is further alleged that one of the miscreants snatched all the golden ornaments of his wife and also snatched other valuables. It is also alleged that in the meanwhile, one of the criminals fired upon his wife due to which she sustained injury in her hands.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation one Raj Kishore Kumar @ Raja Rai was apprehended by the Police and on whose confession the name of the petitioner has transpired in the present case. It is further submitted that though the informant asserted to identify the miscreants but till date neither any T.I.P. has been made nor any incriminating material has been recovered. It is also submitted that so far the criminal antecedent of the petitioner is concerned, the name of the petitioner has been implicated in all the cases on the basis of confessional statement of Raj Kishore Kumar @ Raja Rai with whom the petitioner had enmity from before. It is



further submitted that the investigation of the present crime has already been concluded and charge-sheet has been submitted. It is lastly submitted that this petitioner is a handicapped person and his left hand was amputated six years ago, while he was working in a factory in Rajasthan but it is not the case of the informant that one of the miscreants was handicapped.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has transpired on the confessional statement of co-accused and he is also having found involved in four other cases of similar nature and charge-sheet has already been submitted against him.

Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown person and this petitioner is in custody since 01.03.2022 but till date neither TIP has been done nor any incriminating material has been recovered from person or possession of this petitioner, and moreover the 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/- (Rupees twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P. S. Case No. 368 of 2020, subject to the condition that one of the bailors will be the close relative 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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