

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29615 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- RAGHOPUR District- Vaishali

Shiv Kumar @ Langra, S/o Upendra Rai, R/o village- Ibrahimabad, P.S.-
Raghopur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Raghopur (Rustampur O.P) P.S. Case No. 23 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, three unknown miscreants snatched a bag and purse of the informant on gun point. The bag contained Rs. 91,200/- and purse contained Rs. 16,850/-, Aadhar Card, Pan Card and ATM Card. They also took away the bike and mobile phone of the informant.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been registered against unknown and the petitioner has been named in this case merely on suspicion. His name came up in the confessional statement of co-accused, namely Mukesh Kumar and this co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.03.2022 passed in Cr. Misc. No. 49026 of 2021. Learned counsel further submits that no recovery has been made from this petitioner and he has not been put to Test Identification Parade till date. Even during investigation, no material has come up against this petitioner. The petitioner is a handicapped person and he is in custody since 21.03.2022 and charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the name of the petitioner transpired during investigation and the petitioner is also having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner who was not apprehended from the spot and further considering the grant of bail to other co-accused who named this petitioner in this case and also considering the



submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond 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 Raghopur (Rustampur O.P.) P.S. Case No. 23 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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