

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41879 of 2021

Arising Out of PS. Case No.-820 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

AMIT KUMAR Son of Sri Sinhashan Singh Resident of Village - Ghantaro
Khiri Tola, P.S.- Kartaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-02-2022 Heard Sri Krishna Prasad Singh, learned Senior Counsel, assisted by Sri Bhaskar Shankar, learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Hajipur Sadar P.S. Case No. 820 of 2020, for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that on 08.12.2020 at about 5.00 P.M. while nephew of the informant Rajnish Kumar was going to close the Rani Jewellery shop at Ara, in the mean time, three persons boarded on a red colour motorcycle entered his shop and on the point of pistol looted 200 gram gold, three kilogram silver ornament and cash amount of Rs. Eighty



thousand and mobile and his purse containing his Aadhar Card and C.L etc. At the time of occurrence, all the three persons had covered their faces, who were aged about 24-25 years.

Learned counsel appearing on behalf of the petitioner submits that the nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in the present case on mere suspicion. In course of investigation, the alleged recovery of stolen articles has been made from one Ragani Kumari. The petitioner is in custody since since 31.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that in paragraph No. 43 of the case diary, there is specific statement of co-accused Ragini Kumari that the stolen articles, which has been recovered from her house were handed over to her by the present petitioner. The complicity of the petitioner cannot be ruled out.

Considering the aforementioned facts and circumstances of the case, the F.I.R. has been registered against unknown, nothing has been recovered from the conscious possession of the petitioner, the petitioner is in custody since 31.12.2020. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 820 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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