

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31189 of 2022

Arising Out of PS. Case No.-940 Year-2021 Thana- NAGAR District- Vaishali

Mukesh Kumar @ Rupesh Kumar Son Of Chandeshwar Rai R/O- Panapur
Gaurahi, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Prasad,Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1,A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 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 395 of I.P.C.

According to prosecution case, in brief that on
23.11.2021 at evening informant was at his shop. In the
meantime two persons as a purchaser came and at that time 3
accused persons entered into his shop and shut down the shutter
and on the point of pistol so many jewellery, identity card,
mobile was looted by the accused persons.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits in fact petitioner is not named in the FIR and the name of the petitioner has been transpired on the basis of self-confessional statement of the petitioner. He further submits that till date no TIP has been conducted by the prosecution and the recovered money belong to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two 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 Town P.S. Case No.940, 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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