

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33902 of 2022

Arising Out of PS. Case No.-824 Year-2020 Thana- SONEPUR District- Saran

Vishal Kumar Son Of Jaiprakash Rai R/O Village- Parwejabad, P.S.- Sonpur,
District- Saran Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 413, 401, 414,
34 of the Indian Penal Code in connection with Sonepur P.S.
Case No. 824 of 2020.

As per the prosecution story, the police upon secret
information apprehended the accused persons and after search,
incriminating materials including mobile phones, chisel
(Chheni) was/were recovered/seized from the accused persons.
The further allegation is that some of the accused persons
managed to escape, the petitioner being one of them.

Learned counsel for the petitioner submits that
nothing has been recovered/seized from his conscious
possession and he has been named as the person who escaped



and accordingly only because he has criminal antecedent, has been made scape-goat in this case. His further submission is that some of the accused persons have since been released on bail as would manifest from different Annexures attached with the bail application. His last submission is that the petitioner is in custody since 4.8.2021 which has wrongly been inscribed as 24.6.2021 (in para-19 of the bail application).

Considering the fact that nothing has been recovered/seized from his conscious possession, his name has cropped up in course of investigation, is in custody since 4.8.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that any false statement has been made save and except para-19 of the bail application, this bail order shall become infructuous.

The trial court is directed to ascertain the actual date of custody of the petitioner(which according to counsel is . 4.8.2021) before releasing him on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonepur P.S.



Case No. 824 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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