

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33869 of 2022

Arising Out of PS. Case No.-17 Year-2020 Thana- LALGANJ District- Vaishali

AMIT KUMAR Son of Singhasan Singh Resident of Village - Ghataro Kherin
tola, P.s.- Kartaha, Distt.- Vaishali at Hajipur (Bihar). Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-09-2022 Heard Mr. Rakesh Kumar, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, 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 section 392 of the
Indian Penal Code, in connection with Lalganj P.S. Case No. 17
of 2020.

As per the FIR, the informant has alleged that on
the fateful day, he was in C.S.P. Branch at Manpur where 3
accused persons entered and decamped with Rs. 3,08,591.60/-
as also valuable documents, three laptops and other modem,
disk etc. Accordingly, the present FIR came to be lodged.

Learned counsel for the petitioner submits that his
name has come up on the basis of CCTV footage and the police
has found the same to be likely as the petitioner and one Bhajan
Sahni. He submits that the said Bhajan Sahni who has also been



named on the basis of CCTV footage has since been granted bail on 16.7.2021 vide Cr. Misc. No. 22010 of 2021 (Annexure-2 to the bail application) by a coordinate bench of this Court. It is his last submission that although he has been remanded in this case on 2.3.2022, he is actually in custody since 30.12.2020 (as stated in para-17 of the bail application).

Per contra, Mr. Ashok Kumar, learned APP submits that a bare perusal of Para-3 would show that he is accused in number of such cases and as such do not deserve bail.

Considering the fact that the names of this petitioner and Bhajan Sahni came up on the basis of CCTV footage, the said Bhajan Sahni has since been released on bail as stated above, the petitioner has been remanded in this case on 2.3.2022 and is in custody since 3.12.2020, this Court is inclined to grant him the privilege of bail with strict conditions in view of the fact that he has criminal antecedent.

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 Additional Chief Judicial Magistrate-XIV, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 17 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 month till the conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) 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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