

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45088 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- ALOULI District- Khagaria

Ajay Thakur S/O Late Satya Narayan Thakur R/O Village-Rajaur, P.S-
Garhpura, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pravashankar Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Alauli P.S. Case No. 102 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 395 of the Indian Penal Code was also added. He is in custody since 12.04.2021 after having been taken on remand in the present case. The petitioner has one criminal antecedent as stated in paragraph '3' in which he is on bail.

As per the prosecution story, when the informant along with his friend was going to Customer Service Centre



with a sum of Rs.4 lakhs kept in the dickey of the motorcycle after withdrawing the same from Bank of Baroda, Branch-Harpur, four persons intercepted him, they were riding two motorcycles and had covered their faces. It is alleged that four miscreants dashed the motorcycle of the informant and looted away their motorcycle and one Oppo Mobile and fled away towards Aeilash making firing. The informant says that he could not identify any of the four persons.

Learned counsel for the petitioner submits that though the petitioner has been taken on remand in this case from another case on 12.04.2021, the only basis of his implication is the confessional statement of the co-accused Subhash Chaupal. The co-accused Subhash Chaupal had implicated this petitioner as well as Md. Rasid @ Raja Mohammad. The co-accused Md. Rasid @ Raja Mohammad was also arrested in connection with this case but on finding that nothing has been recovered from his possession and no test identification parade has been made, a learned Co-ordinate Bench of this Court granted him bail in Cr. Misc. No. 8230 of 2021.

Learned counsel for the petitioner submits that the case of the petitioner stands on equal footing with the said Md. Rasid @ Raja Mohammad inasmuch as neither any



incriminating article has been recovered from the possession of the petitioner nor he has been identified by the informant.

Learned APP for the State has though opposed the prayer for bail of the petitioner, this Court noticed that in the FIR itself the informant says that he could not identify the four persons who had allegedly committed the offence, the petitioner has been taken on remand on 12.04.2021 but till date no test identification parade has been held and he has not been identified by now, no incriminating article has been recovered from possession of the petitioner and the co-accused Md. Rasid @ Raja Mohammad whose name was also taken in the confessional statement of the co-accused Subhash Chaupal has already been granted bail by a learned Co-ordinate Bench of this Court, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 102 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

