

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53681 of 2021

Arising Out of PS. Case No.-324 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Vipul Kumar @ Bipul Kumar @ Shushant Kumar Son of Late Anil Singh @
Anil Singh Resident of Village- Khamhar, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 457, 380, 411 of the Indian
Penal Code.

The case relates to theft in the house of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of suspicion. He further submits
that it appears from the F.I.R. as well as seizure list that one



Golden Fish which was purchased by the mother of the informant has been recovered from the possession of the petitioner. He further submits that in fact nothing is recovered from the conscious possession of the petitioner, rather the police has planted the same and shows that the recovery has been made from the possession of the petitioner. He further submits that similarly situated, co-accused, namely, Sonu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.01.2022 passed in Cr. Misc. No. 54972 of 2021. The petitioner is in custody since 17.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent 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 Muffasil P.S. Case No. 324 of 2021, 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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