

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47005 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- PARIHAR District- Sitamarhi

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Mahesh Singh, Son of Kishori Singh, R/O Village- Ramnagra, P.S.- Riga,
Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 09-12-2022 The applicant/accused in Crime No. 23 of 2020 registered with Parihar Police Station for the offence punishable under Section 394 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that similarly placed two co-accused, Mahesh Kumar Singh and Sudhir Kumar Singh have already been released on bail by the coordinate Benches of this Court vide orders dated 06.09.2021 and 22.02.2021 passed in Criminal Misc. No. 36900 of 2020 and Criminal Misc. No. 40006 of 2020 respectively. It is further argued that there is no iota of evidence against the applicant and only because there are criminal antecedents against him, the applicant is remanded to the instant crime from some other criminal cases.



The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and therefore, the application be rejected.

I have considered the submissions so advanced and also perused the materials placed before me.

The investigation of the subject crime is over. The charge sheet has already been filed. It is reported that no Test Identification Parade was conducted during the course of investigation. It is further stated that no recovery was effected from the applicant. No doubt the applicant is having some criminal antecedents but similarly placed co-accused Mahesh Kumar Singh, who was having 12 pending criminal cases against him, is already been released on bail in this crime by a coordinate Bench of this Court.

For all the above stated reasons, the instant application is allowed. The applicant is entitled for similar treatment as is meted out to other co-accused. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 23 of 2020 registered with Parihar Police Station for the offences punishable under Section 394 of the Indian Penal Code be



released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) and on furnishing two sureties in the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) The applicant should attend the trial court on each and every date except when he is permitted to remain absent by the learned trial court. Two consecutive absence from the learned trial court shall entail in forfeiting the bail bonds of



the applicant without reference to this Court.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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