

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59840 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- VAISHALI District- Vaishali

Niwash Kumar @ Niwash Ray Son of Dinesh Ray Resident of Fatehpur
Pakari, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranay Shankar Singh, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

At the outset, learned counsel for the petitioner seeks
permission to make necessary correction in paragraph 3 of the
bail application. Permission is accorded.

Heard Mr. Pranay Shankar Singh, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned APP for
the State.

The petitioner seeks regular bail, who is in custody in
connection with Vaishali P.S. Case No. 368 of 2020, for the
offences punishable under Sections 394 of the Indian Penal
Code.

As per prosecution case, it alleged that while the



informant along with his family members were going from Laloo Chapra to Patna, in the meantime, four miscreants riding on two motorcycles took-over the informant's bike and surrounded them. It is further alleged that one of the miscreant snatched the golden ornaments of his wife and also snatched other valuables and on being resisted, one of the miscreant fired upon his wife due to which she sustained injury on her hand.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that the same has been instituted against unknown miscreants, however, during the course of investigation one Raj Kishore Singh @ Raj Kishore Rai was apprehended by the police and on whose confession, name of the petitioner and others has transpired in the present case. It is further submitted that though the informant asserted to identify the miscreants but till date neither any test identification parade has been made nor any incriminating material has been recovered. He also submitted that the petitioner was initially apprehended in connection with Mahua P.S. Case No. 404 of 2020 and thereafter, he has been remanded in the present case on 05.03.2021 and since then he is in custody. He also submitted that other co-accused persons having similar allegation has already been granted bail by this



court in Cr. Misc. No. 38943 of 2021, vide order dated 22.06.2022, the copy of which has been produced before this court and the same has been taken on record.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that name of the petitioner has transpired on the confessional statement of co-accused and further the petitioner is also having found involved in other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted against unknown miscreants and the petitioner is in custody since 05.03.2021, but till date neither the petitioner has been put on test identification parade nor any incriminating material has been recovered from his person or possession and save and except the confessional statement there is no other material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Ms. Priti Ray, learned Judicial Magistrate, 1st class, Hajipur (Vaishali) in connection with Vaishali P.S. Case No. 368 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which



are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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