

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.53110 of 2022**

Arising Out of PS. Case No.-44 Year-2020 Thana- MAHUA District- Vaishali

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BINOD RAY SON OF VINDESHWAR RAY R/O VILLAGE- ABDULPUR,
P.S.- MAHUA, DIST.- VAISHALI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter by 16th of January, 2023.

Heard learned counsel for the petitioner and Mr. Md. Ataur Rahman, learned APP for the State.

The petitioner in this case is seeking regular bail in connection with Mahua P.S. Case No. 44 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code. The petitioner has seven criminal antecedents, however, it is stated that in five of those cases he is on a bail and is in custody since 09.06.2020.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was on way through his motorcycle he was intercepted by three miscreants riding on one motorcycle on the point of pistol, the informant fled away after leaving his motorcycle then the miscreants taken away his



motorcycle bearing registration number BR-33AP-4553.

Learned counsel submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. It is submitted that name of the petitioner has transpired in the confessional statement of co-accused Sonu Kumar @ Gosai Bhagat. Nothing has been recovered from possession of the petitioner. It is further submitted that till date test identification parade has not been conducted.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regards to the facts and circumstances of the case, wherein it is submitted on behalf of the petitioner that the name of the petitioner has transpired in the confessional statement of co-accused Sonu Kumar @ Gosia Bhagat, from possession of the petitioner no recovery has been made and despite the fact that he is custody since 09.06.2020, till date no test identification parade has been conducted, there being no submission on behalf of the State that release of the petitioner is likely to result in tempering with the evidence or interfering with the course of trial or that his presence cannot be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing 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, Vaishali in connection with Mahua P.S. Case No. 44 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 is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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