

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64916 of 2021**

Arising Out of PS. Case No.-146 Year-2019 Thana- VAISHALI District- Vaishali

PAPPU KUMAR @ CHHEDI Son of Pukar Rai @ Ram Pukar Rai Resident
of Village - Saddopur, Bhagwanpur Ratti, P.S.- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Advocate
		Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s :		Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Vaishali P.S. Case No. 146 of 2019 registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, the pick-up-van of the informant was intercepted by unknown dacoits and they fled away with the pick-up-van and consignment loaded on it and also took away the mobile phone, Rs. 3000/- in cash and driving



license of the informant. The dacoits tied the informant with a tree. Further prosecution case is that in similar manner one Suresh Prasad was also looted.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He is not named in the FIR and nothing incriminating has been recovered from his person or possession. The name of the petitioner transpired on the basis of confessional statement of co-accused Sonu Kumar who is not on good terms with this petitioner. No Test Identification Parade has been conducted till date. Other co-accused persons who were named by co-accused Sonu Kumar namely Md. Kayum Ansari and Guddu Kumar have been granted bail by different Coordinate Benches vide order dated 16.03.2021 passed in Cr. Misc. No. 37501 of 2020 and order dated 05.08.2021 passed in Cr. Misc. No. 21017 of 2021, respectively. The case of petitioner is similarly placed. Charge sheet has been submitted in this case and the petitioner is in custody since 09.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up in the confessional statement of co-accused. However, learned APP concedes that no recovery has been made from this



petitioner and similarly placed co-accused have been granted bail by different Coordinate Benches.

Perused the records.

Having regard to the facts and circumstances and considering the absence of recovery from the petitioner along with his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 146 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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