

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67378 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- VAISHALI District- Vaishali

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1. Prem Kumar S/O Mosafir Rai.
 2. Ranveer Kumar S/O Mohan Lal Rai
Both Are R/O Village- Sorhatha, P.S.- Vaishali (Belsar O.P.), District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjana, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection
with Vaishali (Belsar O.P.) P.S Case No.212 of 2020 instituted
under Sections 392 of the IPC.

As per the prosecution case, on 25.06.2020 at about 8
PM, when the informant was returning to his house along with
his staff by a motorcycle, four unknown miscreants riding on a
motorcycle, intercepted them and on the point of pistol they
snatched the bag from the staff of the informant containing cash
of Rs.18,000/-,ATM Card etc.



Learned counsel for the petitioner submits that the FIR is against unknown and his name came up on the basis of confessional statement of co-accused Suraj Kumar. He further submits that the said Suraj Kumar has since been released on bail vide 1703 of 2021 on 04.05.2021 by a co-ordinate Bench of this Court (Annexure-2). He lastly submits that the petitioner is having no criminal antecedent and is in custody since 11.09.2021 (as stated in para-13 of the bail application).

Taking into account the fact that the petitioner's name has cropped up on the confessional statement of Suraj Kumar who has since been released on bail by a co-ordinate Bench of this Court, is in custody since 11.09.2021 and has no criminal antecedent, this Court is inclined to grant privilege of bail.

If however, it comes to notice that he do have criminal antecedent, contrary to the statement made in para-3, the bail order shall become infructuous.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Vaishali (Belsar O.P.) P.S Case No.212 of 2020 to the satisfaction of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur, subject to following conditions:



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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