

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68964 of 2021

Arising Out of PS. Case No.-119 Year-2019 Thana- MEHANDIA District- Jehanabad

OM PRAKASH RAJVANSHI @ OM PRAKASH KUMAR S/o Seth
Rajvanshi R/o village- Bandhava Pachhiyari Tola, P.S.- Devkund, District-
Aurangabad, Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

The allegation is regarding unknown miscreants having intercepted the car of the informant and after assaulting the informant and other inmates of the car, the said unknown miscreants had snatched the purse of the informant and one another containing a sum of Rs. 4,000/- and a sum of Rs. 10,000/- respectively, whereafter they fled away. It is further alleged that the bus driver who was present at the



place of occurrence along with his bus and the driver of another car had also disclosed that the said miscreants had also looted them.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Ashok Rajbanshi and Makardhwaj Rajbanshi. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner. He further submits that the similarly situated co-accused, namely, Makardhwaj Rajbanshi has been granted bail vide order dated 08.07.2021 in Cr. Misc. No.21748 of 2020 and another co-accused, namely, Ashok Kumar has also been granted bail vide order dated 05.06.2020 in Cr. Misc. No.15181 of 2020 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 24.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.



Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahendia P.S Case No. 119 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

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