

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69555 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- SANDESH District- Bhojpur

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VIJAY NAT Son of Late Bhola Nut @ Dasaie Nut Resident of Village-
Sandesh, P.S.- Sandesh, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 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 Sandesh P.S. Case No. 291 of 2020 registered for the alleged offences under Section 394 of the Indian Penal Code.

As per prosecution case, two miscreants robbed the informant and his nephew of cash, mobile phone, ATM card, and a number of documents along with the motorcycle of the nephew of the informant. The miscreants also robbed another person and also shot at him. The name of the petitioner



transpired during investigation as one of the accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case he has not been named in the F.I.R. and nothing incriminating has been recovered from his person or possession. The petitioner has been named in this case on the basis of confessional statement of co-accused Rahul Nut and except for this confessional statement nothing has come up against the petitioner during investigation. No Test Identification Parade was conducted. The co-accused who named this petitioner has been granted bail by a Coordinate Bench vide order dated 21.10.2021 passed in Cr. Misc. No. 29217 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 23.11.2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering 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 District Bhojpur at Ara in connection with Sandesh P.S. Case No. 291 of 2020, 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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