

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70323 of 2021

Arising Out of PS. Case No.-426 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Ram Kumar S/O Late Nagendra Mahto R/o village- Chakmaruf, P.S.- Belsar
O.P., District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 426 of 2021 registered for the offence under
Sections 328 and 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 18.06.2021.

The allegation against the petitioner is of
administering intoxicant to the informant/injured and further to
take away his auto/tempo, while he became unconscious.



Learned counsel appearing on behalf of the petitioner submitted that the present F.I.R. was lodged after a delay of 10 days, without having any just explanation. It is submitted that name of the petitioner surfaced on the basis of self confession, while apprehending in Hajipur Sadar P.S. Case No. 415 of 2021, where in furtherance thereof, during the course of investigation, nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that petitioner was not put on T.I.P. as yet, despite of the fact that informant/injured was the eye witness of the occurrence, to whom the alleged intoxicant was administered. It is also submitted that, even, the stolen auto/temp was not recovered from the possession of the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered to connect



this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 426 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Rajvanshi Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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