

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59416 of 2022**

Arising Out of PS. Case No.-652 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAJA KUMAR S/O SINGHESHWAR MAHTO Resident of village- Simaria
Ghat Bind Toly, P.S.- Barauni (Chakiya O.P.), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Ram Naresh Ray, learned APP for the
State.

The petitioner in this case is seeking regular bail in
connection with Muffasil (Singhaul O.P.) P.S. Case No. 652 of 2021
registered for the offence punishable under Sections 392, 397 of the
Indian Penal Code and 27 of the Arms Act. He has four criminal
antecedent and is in custody since 04.06.2022.

Learned counsel for the petitioner submits that as per the
prosecution story, while the informant's daughter was on her shop,
three unknown miscreants riding on one motorcycle came and two of
them entered into the shop and snatched the bag containing rupees
fifty thousand and took out rupees ten thousand from cash box on the
point of pistol.

Learned counsel submits that the petitioner is innocent



and has not committed any offence rather he has falsely been implicated in this case. It is submitted that though the petitioner is in custody since 04.06.2022 but he has not been put on test identification parade.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted that name of the petitioner has transpired in the confessional statement of the co-accused Bipin Kumar, there is no recovery of any incriminating article from possession of the petitioner, he has not been put on test identification parade and he is in custody since 04.06.2022, he has been brought on remand in this case after his arrest in Barauni (Chakia O.P.) P.S. Case no. 29 of 2022 and out of four criminal antecedents, he is on bail in three cases, investigation against the petitioner is complete and at this stage there being no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil (Singhaul O.P.) P.S. Case No. 652 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

And further condition that the learned court below shall satisfy itself that out of our cases, the petitioner is on bail in other three cases before issuing the release order.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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