

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1415 of 2022

Arising Out of PS. Case No.-379 Year-2019 Thana- VAISHALI District- Vaishali

Md. Osama S/o Md. Sakil, Resident of Village - Dharampur, P.S. - Sadar,
Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nitu Kumari, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

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

According to prosecution case, the informant who is
Branch Manager of credit Bharat Financial Infusion Ltd.
Saraiya Branch, Vaishali, namely Manjay Kumar has submitted
his written report before S.H.O. Vaishali police station alleging
therein that on 17.10.2019 when he was doing work at branch
suddenly six persons entered into branch with arms and all
accused persons looted Rs.4,93,259/- (Rupees four lakh ninety
three thousand two hundred fifty nine) from the Branch. It is



further alleged that accused persons also looted the Bank Voucher and other stationary items.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner has been remanded in this case from Muzaffarpur Sadar P.S. Case No. 834 of 2019 and he has confessed his guilt in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and petitioner has no concern at all with the other co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court



below where the case is pending in connection with Vaishali P.S.

Case No. 379 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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