

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2119 of 2022

Arising Out of PS. Case No.-210 Year-2019 Thana- JANDAHA District- Vaishali

Abhishek Kumar, Son of Avinash Rai, Resident of Village- Jandaha Gandhi Chowk, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 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.

In the present case, the petitioner seeks bail in connection with Jandaha P.S. Case No. 210 of 2019 registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, a dacoity was committed in the office of a courier company and about Rs. 3,35,000/- was looted. The name of the petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case merely on



suspicion. His name surfaced in the confessional statement of co-accused Raja Kumar but nothing incriminating has been recovered from his possession. The co-accused Raja Kumar has been granted bail vide order dated 28.05.2020 passed in Cr. Misc. No. 4270 of 2020 by a Co-ordinate Bench and a number of co-accused persons have also been granted bail by different Co-ordinate Benches in Cr. Misc No. 89 of 2020, 1361 of 2020, 2461 of 2020, 3440 of 2020 and 3815 of 2020 vide orders dated 19.03.2020, 20.03.2020, 24.01.2020, 28.01.2020 and 21.01.2020, respectively. This petitioner was granted anticipatory bail vide order dated 10.07.2020 passed in Cr. Misc. No. 17584 of 2020. Meanwhile, the petitioner was arrested in Kankarbagh P.S. Case No. 140 of 2020 and he could not surrender in terms of the order granting him anticipatory bail. The petitioner is in custody since 28.11.2020 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that this petitioner is a habitual offender and is accused in large number of cases.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



period of his custody and the submission of charge-sheet against this petitioner with no recovery being shown from him, 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, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 210 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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