

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3955 of 2023

Arising Out of PS. Case No.-940 Year-2021 Thana- NAGAR District- Vaishali

Abhay Kumar Singh @ Jayant Singh Rana @ Jayant Singh Son of Rana
Bashisth Singh R/V- Ismalipur, P.S- Sadar Hajipur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 04-07-2023 Heard Mr. Jharkhandi Upadhyay, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
13.09.2022 in connection with Hajipur P.S. Case No. 940 of
2021, F.I.R. dated 23.11.2021 for the offences punishable under
Section 395 of the Indian Penal Code.

According to prosecution case, some unknown
criminals have looted away the cash and ornaments from the
shop of the informant and fled away.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Sanjay Mali. He further submits that till date no T.I.P. has been conducted by the prosecution. He further submits that one gold chain has been recovered from the possession of the petitioner and the same belongs to the petitioner. He further submits that the petitioner has filed supplementary affidavit annexing the receipt of the gold chain which was purchased by the father-in-law of the petitioner during the time of marriage. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mukesh Kumar @ Rupesh Kumar has been granted bail by this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 31189 of 2022. The petitioner is in custody since 13.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur P.S. Case No. 940 of 2021, 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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