

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12915 of 2023**

Arising Out of PS. Case No.-360 Year-2021 Thana- NAGAR District- Vaishali

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Mukesh Kumar @ Rupesh @ Rupesh Kumar S/o Sri Chandeshwar Rai R/o  
Village- Panapur Gaurahi, P.S.- Sadar Hajipur, Distt- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      26-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since  
16.09.2022, in connection with Hajipur Town P.S. Case No. 360  
of 2021, F.I.R. dated 30.04.2021 registered for the offences  
punishable under Section 395 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against  
unknown.

Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely 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 confessional statement of  
the co-accused persons namely Nagmani Singh and Dhananjay



Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that during investigation in paragraph-154 of the case diary it has come that test identification parade was conducted by the prosecution and the informant had not identified the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits from paragraph-3 of the petitioner that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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 in connection with Hajipur Town P.S. Case No. 360 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 witness, 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 antecedents, 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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