

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23653 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- GANGABRIDGE District- Vaishali

BALAJI @ LAXMIPATI S/O- Lalji Ray Resident Of Village- Diwantok Ward
No 5, P.S- Gangabridge, District- Vaishali At Present address Village-
Sahdullahpur, P.S- Gangabridge, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Advocate
Mr. Saloni Sinha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 23-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Gangabridge P.S. Case No. 134 of 2022, dated 05.06.2022
registered for the offence punishable under Section 392 of the
Indian Penal Code.
3. The main submissions advanced by petitioner's
counsel are that the petitioner is not named in the FIR, his name
came into light in the confessional statement of co-accused
Kallu @ Sujit Kumar, made before the police and the said co-
accused has been granted bail by the trial court itself and this
petitioner's bail prayer was rejected mainly on account of his
criminal antecedents of two cases and in the present matter, in



actual he was not present at the place of occurrence and after his remand in the present case, no incriminating article including the looted article was recovered in following with the information given by him to the police during interrogation and even no test identification parade was conducted with regard to the identification of this petitioner by the informant and accordingly, there is no any legal evidence against this petitioner. Further submissions are that the petitioner has been languishing in jail since 26.11.2022 and against him, investigation has been completed. Further submission is that against the petitioner there are criminal antecedents of two cases in which he is on bail.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly petitioner's plea that against him there is no material except the statement of co-accused Kallu @ Sujit Kumar, made before the police and the said plea has not been refuted by learned APP and also taking into account the custody period of this petitioner as well as completion of investigation against him, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Gangabridge P.S. Case No. 134 of 2022 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--

