

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22788 of 2023

Arising Out of PS. Case No.-123 Year-2021 Thana- MAHUA District- Vaishali

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Saurav @ Saheb @ Saurabh Kumar @ Saurav Kumar S/O Pradyuman Singh
R/O Village- Diwantok, P.S- Gangabridge, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
08.10.2021 in connection with Mahua P.S.Case No.123 of
2021, F.I.R. dated 16.02.2021 registered for the offence
punishable under Section 395 of IPC.

3. As per the allegation made in the F.I.R., five
unknown miscreants have looted the motorcycle of the
informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in the present case. Petitioner is not named in the
FIR. The name of the petitioner has been transpired during
investigation on the basis of the confessional statement of the



co-accused Md. Prince @ Sarfaraj @ Raja which was recorded in Mahua P.S.Case No.215 of 2021 and nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and co-accused Md. Prince @ Sarfaraj @ Raja has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.06.2022 passed in Cr. Misc. No.13681 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.10.2021.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine more cases other than the present one but fairly submits that out of nine cases, the petitioner is on bail in seven cases and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S.Case No.123



of 2021,with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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 bail.

(III) 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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