

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28032 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- MAHNAR District- Vaishali

Abhishek Kumar @ Abhishek Anand Son of Avinash Rai @ Avinash Prasad
@ Avinash Prasad Rai Resident of village - Jandaha, Gandhi Chowk, P.S. -
Jandaha, Distt. - 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 : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
22.09.2022 in connection with Mahnar P.S. Case No. 287 of
2022, F.I.R. dated 07.10.2022 for the offences punishable under
Sections 392, 397 and 120B of the Indian Penal Code and
Section 27 of the Arms Act but the police have submitted the
charge sheet under Section 392, 397 and 120B of the Indian
Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, the informant was



doing his duty on Krity Petrol pump and three miscreants came on one bike and took petrol of Rs. 200/-. On demanding the money by the nozzle man, one person opened fire and other snatched Rs. 15,000/- from the nozzle man and fled away.

5. 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 on the basis of the confessional statement of the co-accused, namely, Sanju Kumar. He further submits that in fact, on the date of occurrence i.e. 07.10.2022, the petitioner was in judicial custody in connection with Bahadurpur P.S. Case No. 61 of 2020 and it appears from the order dated 01.02.2023 passed in Cr. Misc. No. 54774 of 2022 that the petitioner was in custody since 22.09.2022 and he was remanded in the present case on 24.11.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 11 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the cases and also submits that it appears from the supplementary affidavit



filed by the petitioner that the petitioner was in custody since 22.09.2022 in connection with Bahadurpur P.S. Case No. 61 of 2020.

7. 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 Mahnar P.S. Case No. 287 of 2022, 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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