

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31719 of 2023

Arising Out of PS. Case No.-485 Year-2021 Thana- VAISHALI District- Vaishali

Sonu Kumar, Son of Bigu Singh, Resident Of Village- Bahilwara, Bhual
Dakshini, P.S.- Saraiya, Dist Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Pranav Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

Application for grant of bail to the petitioner, who is
in custody in connection with Vaishali P.S. Case No. 485 of
2021 registered for the offence punishable under Section 394 of
the Indian Penal Code.

While the informant was going from his bicycle in
connection with his business, in the meantime, three persons
riding on two Apache motorcycle surrounded him and snatched
50gm gold and 5 Kg Chandi on the point of pistol and fled
away.

Learned counsel appearing on behalf of the petitioner
submits that FIR has been instituted against unknown persons,
however, during the course of investigation, co-accused Vikash



Kumar was apprehended by the police and on his confession, the name of the petitioner surfaced. Save and except the confessional statement neither any incriminating material has been recovered nor the petitioner has been put on Test Identification Parade till date. Further submissions has been made that even from the impugned order, it appears that he has not been identified in the CCTV footage and the role of the petitioner is said to be a liner. He lastly submitted that initially the petitioner was apprehended in connection with Saraiya P.S. Case No. 234 of 2022, thereafter, he has been remanded in three other criminal cases, besides the present one.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner shows he is a habitual offender and his name has been transpired on the confessional statement of the co-accused.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement of the co-accused, which is not admissible either under Sections 25 and 26 of the Evidence Act, coupled with the fact that he has not been put on Test Identification Parade nor there is any recovery and he is in



custody since 05.07.2022, let the petitioner, named above, be released on bail on furnishing bail bonds 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 Vaishali P.S. Case No. 485 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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