

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31316 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- BHAGWANPUR District- Vaishali

MD. RAZA Son of Md. Amin Resident of village - Enayat Nagar, P.S.-
Goraul, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-06-2023 Heard Mr. Pranav Kumar Jha, learned counsel for
the petitioner and the State.

The petitioner is in custody since 16.3.2023 in connection with Bhagwanpur P.S. Case No. 145 of 2022 for the offence punishable under Section 392 of the I.P.C. lodged on 12.6.2022 by the informant Amit Kumar.

The prosecution story, in brief, is that the informant is running cyber cafe in the shop of Rahul Jee at Jarang Chowk. On 11.6.2022, after closing his shop went to the house of Rahul Jee to bring laptop and while he was returning, four persons on Pulsor motorcycle stopped him and looted his motorcycle and laptop.

Learned counsel for the petitioner submits that neither he has been named in the FIR nor anything has been



recovered from his conscious possession and his name has come in the confessional statement of Vikash Kumar. It has further been submitted that he has not been put under TIP and one of the co-accused Dharamraj Kumar has since been released on bail by a coordinate bench of this Court in Cr. Misc. No. 11557 of 2023 on 4.5.2023.

Let the same be kept on record.

Learned APP opposes the prayer.

Taking into account the aforesaid fact that his name has come in the confessional statement, no TIP was done nor anything recovered from his conscious possession and is in custody since 16.3.2023 (as stated in para-13 of the bail application), this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 145 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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