

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30152 of 2022**

Arising Out of PS. Case No.-427 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

SURAJ PATEL Son of Ashok Patel Resident of Village - SDO Road, Hajipur,
P.s.- Town, Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 13-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal Code
but the cognizance has been taken under Sections 395 and 412
of the Indian Penal Code.

According to prosecution case, in brief, is that the
informant Bikki Kumar has given Fardbeyan to the police
alleging therein that there is a jewellery shop of the informant in
Dharahara Bazar. On 23.4.2021, the informant shutting his shop
was retiring to his home by his motorcycle, in the meantime



evening the informant reached near the Dharhara Gumti, where two boys were standing from before and were intercepted to one Ice-cream seller and they surrounded to me also. Out of them, one accused (boy) pointed out the pistol on the informant and snatched Rs.50,000/- from the pocket and one mobile phone and also snatched ballet of the informant, in which ballet, Aadhar Card, Pan Card and A.T.M. Card were kept. It is further alleged that the accused persons had also snatched the motorcycle of the informant and fled away towards Harauli. One accused was of 16 to 18 years age and second accused was of 27 years aged. It is further alleged that the accused persons had given the key of the shop, which was kept in the dickey of the motorcycle, to the informant and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner was not named in the F.I.R. and the name of the petitioner has transpired on the basis of confessional statement of co-accused namely, Sanjay Kumar Paswan. He further submits that except the confessional statement of co-accused namely, Sanjay Kumar Paswan no cogent material has come during investigation against the petitioner. He further submits that the petitioner is in



custody since 25.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Hajipur Sadar P.S. Case No. 427 of 2021, 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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