

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34576 of 2023

Arising Out of PS. Case No.-820 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

=====

Sujeet Kumar @ Thapachi, aged about 28 years, Gender-Male, Son of
Basudeo Rai @ Vasudeo Ray, Resident of Village Chaksakra, Ps- Hajipur
Sadar, Distt- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Kalyan Shankar, A.P.P

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 820 of 2020 dated 08.12.2020, instituted for
the offence punishable under Section 392 of the Indian Penal
Code.

3. As per the prosecution case, on 08.12.2020 at
about 05:00 pm, nephew of the informant, namely, Rajnish
Kumar was going to close his jewellery shop, in the mean time,
three unknown persons came and on the point of pistol, 200
gram gold, 03 kg. silver ornament and cash amount of Rs.
80,000/- and mobile and his purse containing his Aadhar Card
and driving license etc. looted and fled away due to which, the



F.I.R. was lodged against three unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that petitioner is not named in the F.I.R. The name of petitioner transpires in this case only on the basis of confessional statement of another co-accused, namely, Amit Kumar, who has already been granted bail by a Co-ordinate Bench of this Court *vide order dated 25.02.2022 passed in Criminal Miscellaneous No. 41879 of 2021*. Nothing has been recovered from the possession of the petitioner and till date, no Test Identification Parade (T.I.P.) has been conducted. Lastly, it has been submitted that the petitioner is in custody since 28.03.2022, charge-sheet has been submitted in the case and he has 25 criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali, Hajipur in Hajipur Sadar P.S. Case No. 820 of 2020,



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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

U		T	
---	--	---	--

