

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36847 of 2023

Arising Out of PS. Case No.-117 Year-2021 Thana- LALGANJ District- Vaishali

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ABHISHEK KUMAR Son of Amarnath Sahni Resident of village - Balaha,
P.S. - Lalganj, Distt. - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody in connection with Lalganj P.S. Case No. 117 of 2021 for the offence under Sections 392 of the Indian Penal Code lodged on 23.03.2021 by the informant, Ram Krishna Das Thakur @ Kishun Jee's.

The prosecution case, in brief, is that the informant Ram Krishna Das Thakur @ Kishun Jee's case alleged that on 23-03-2021 at about 08:00 P.M., the informant headed towards his house after closing his shop (New Vishwakarma Cycle Store, Lalganj) and at about 08:05 P.M., when he reached near Bhagwanpur Pakri Railway Gate No. 10, three motorcycle born miscreants intercepted and stopped informant suddenly.

As a result, he fell down and sustained injury thereafter, miscreants robbed his Discover motorcycle bearing Reg. No. BR-31K-5123 by threatening him for his life. The



miscreants also took away cash amounting Rs. 7,500/- and also the shop's key and fled away. It is also stated that informant could not see the registration number of motorcycle of miscreants as it was dark. Accordingly, the F.I.R.

It is the submission of learned counsel for the petitioner that his name has come in the confessional statement of co-accused Dilip Rai, is in custody since 01.07.2022 (as stated in para 8 of the petition). Further submission is that nothing has been recovered from his conscious possession and is ready to abide by all the terms and conditions, if granted bail.

Learned APP opposes the prayer for bail.

Taking into account his period of custody as also that his name has come in the confessional statement and nothing has been recovered from his possession, this Court is inclined to extend him the privilege of bail with 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 Sub-Judge, IInd-cum-A.C.J.M IInd, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 117 of 2021 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 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 application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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