

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40561 of 2022

Arising Out of PS. Case No.-645 Year-2020 Thana- NAGAR District- Vaishali

RAJ KISHORE KUMAR @ RAJA son of late Shivjee Ray R/o Village -
Pareda Bujurga, P.s.- Belsar (O.P.), Vaishali, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2023 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 392 and 411 of the Indian Penal Code.

As per the prosecution case, on the point of country
made pistol, the gold chain and other articles mentioned in the
F.I.R. of the informant have been looted.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of confessional
statement of the co-accused, Manish Kumar Sahni, he has been
made accused in this case. He further submits that the petioenr
has not been arrested from the spot nor anything incriminating



has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Masal Kumar and Deepak Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 23.11.2022 passed in Cr. Misc. No. 62113 of 2022 and Cr. Misc. No. 61540 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one. He further submits that it has come during investigation that the petitioner has been identified in test identification parade conducted by the prosecution.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Hajipur Nagar P.S. Case No. 645 of 2020 with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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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