

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49249 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- LADANIA District- Madhubani

Vijay Kumar Sah @ Vijay Sah @ Vijay Kumar Sahu S/O Ram Prit Sahu @
Ramprit Sahu R/O Village- Korahiya, Ps. Jaynagar, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 20.03.2023 in connection with Ladaniya P.S. Case No. 14 of 2023, F.I.R. dated 09.01.2023 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, on 09.01.2023 informant went to collect amount of the Bicycle shop and at 08:00 A.M. he collected Rs.1,50,000/- and rushed towards the Ladaniya and collected Rs.15,000/- from Vishal Cycle Store thereafter, collected Rs.50,000/- from Ashok Cycle Store altogether he collected Rs.2,50,000/- amount and kept it in Bag thereafter rushed towards the Jaynagar and at 04:15 P.M. at Padma Chowk two pulsar Motorcycle and on each of the



motorcycle two persons seated and one person kept Pistol upon him and second person snatched his key of the motorcycle and snatched his amount and mobile phone and thereafter, all four accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the ground that petitioner has previous criminal antecedent and the petitioner has remanded in the present case from Jaynagar P.S. Case No.234 of 2022 and thereafter confessional statement of the petitioner was recorded. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the confessional statement of the petitioner no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries fifteen criminal



antecedents other than the present one but fairly submits that out of fifteen criminal antecedent, petitioner is on bail in twelve cases as stated in para-3 of the bail petition.

6. 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 Chief Judicial Magistrate, Madhubani in connection with Ladaniya P.S. Case No. 14 of 2023, 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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