

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57332 of 2023

Arising Out of PS. Case No.-399 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

VISHAL KUMAR GUPTA @ VISHAL KUMAR @ VISHAL GUPTA S/O
SHRI BHUNESHWAR PRASAD R/O VILLAGE- DIGHWARA, PS.
DIGHWARA, DIST. CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Session Trial No.37 of 2023, arising out of Hajipur Sadar P.S. Case No. 399 of 2022 instituted under Sections 392, 411 and 414 of the I.P.C., lodged on 28.05.2022, by the informant, Naveen Kumar.

3. As per the prosecution story, the allegation is that when the informant was loading on the pick up van, the accused person in swift car intercepted on the point of pistol and they took the pick up van as also the mobile and tried to escape. This was immediately informed to the police patrolling party and due to accused person left the pick up van and escaped. From the mobile that was present in the pick up van, one of the accused



Nitish Kumar was apprehended and on his confession the name of the petitioner came up. Accordingly, he is in custody since 27.08.2022.

4. It is the case of the petitioner that he has been implicated only on the basis of his criminal antecedent and on the basis of confessional statement of Nitish Kumar, who has been apprehended, no T.I. parade conducted and is in custody since 27.08.2022 (paragraph 11 of the bail petition).

5. Learned APP opposes the prayer for bail stating therein that he has six criminal antecedents besides the present one.

6. Considering the submission put forward by the parties and the fact that the petitioner has half dozen criminal antecedents, this Court is inclined to grant him privilege of bail only after framing of charges.

7. Let the petitioner be released on bail **after framing of charges** on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-II, Vaishali at Hajipur, in connection with Session Trial No.37 of 2023, arising out of Hajipur Sadar P.S. Case No. 399 of 2022, subject to following conditions :



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 next one year to mark 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 the bail bonds.

(Rajiv Roy, J)

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