

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69584 of 2023

Arising Out of PS. Case No.-139 Year-2021 Thana- AMARPUR District- Banka

Vishal Gain @ Bibhu, Son Of Rakesh Gain Resident Of Village- Near Old
Post Office, Amarpur, P.S.- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 139 of 2021, lodged on 19.03.2021
under Sections 395/412 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 8 named accused persons including the present
petitioner and in the FIR, the apprehended accused persons have
disclosed the name of the petitioner in involvement of the said
crime.

4. Learned counsel for the petitioner submits that the
name of the petitioner has figured in this case only by virtue of
confessional statement of the co-accused and nothing has been
recovered from the possession of the petitioner nor he was put



on T.I.P. He also submits that for the same event, there were two FIR lodged otherwise, the antecedent of the petitioner is clean and he is in custody since 13.03.2023. He further submits that other co-accused persons have granted bail by a co-ordinate Bench of this Court vide order dated 09.03.2022 passed in Cr. Misc. No. 59008 of 2021, vide order dated 09.03.2022 passed in Cr. Misc. No. 59193 of 2021, vide order dated 29.03.2022 passed in Cr. Misc. No. 63709 of 2021, vide order dated 13.05.2022 passed in Cr. Misc. No. 72507 of 2021 and vide order dated 13.06.2022 passed in Cr. Misc. No. 12040 of 2022.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st, Banka in connection with Amarpur P.S. Case No. 139 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J.)

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