

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67904 of 2022

Arising Out of PS. Case No.-916 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Bhola Rai @ Nitikesh Kumar @ Mithua S/O Ajay Kumar Ray @ Ajay Ray
Resident of Village- Valwa Kuari, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimple Mukari, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Ms. Dimple Kumari, learned counsel for the petitioner and Ms. Asha Kumari, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Hajipur Sadar P.S. Case No. 916 of 2021, registered for the offences punishable under Section 394 of the Indian Penal Code.

As per the prosecution case, while the informant was working in his office in the meantime four unknown persons wearing mask over their faces entered into the office and looted Rs.3,08,610/- and also snatched mobiles of staff and fled away by taking a Glamour motorcycle of Monu Kumar Singh.



Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants however during course of investigation the name of the petitioner surfaced in the confessional statement of co-accused Vishal Kumar @ Smaiki, however, said co-accused person has already been allowed the privilege of bail by the learned coordinate bench of this Court in Cr. Misc. No. 18447 of 2022 *vide* order dated 02.01.2023. He next submits that save and except the confessional statement there is no material suggesting the complicity of the petitioner in the present crime neither he has been put on Test Identification Parade nor any incriminating material has been recovered, more so, he is in custody since 24.06.2022 having fair antecedent.

On the other hand learned APP for the State vehemently opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has surfaced on the confessional statement of co-accused, who has already been allowed bail and there is no recovery from the possession of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned concerned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 916 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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