

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70896 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- BALIGAON District- Vaishali

Abhishek Kumar, Son Of Vinod Sharma Resident Of Village - Habibpur, P.S.
- Baligaon, District - Vaishali At Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Baligaon P.S. Case No. 142 of 2021, lodged on 16.12.2021
under Sections 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 4 unknown accused persons who alleged to have
committed wrong with the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and the
name of the petitioner comes in this case by virtue of the
confessional statement of the co-accused and nothing
incriminating has been recovered from the possession of the
petitioner. Counsel for the petitioner also submits that there are



3 criminal cases pending against the petitioner in which he is on bail. He also submits that other co-accused persons have been granted regular bail by the co-ordinate Bench of this Court vide orders dated 09.05.2023, 24.07.2023 and 22.08.2023 passed in Cr. Misc. Nos. 13441 of 2023, 30370 of 2023 and 52982 of 2023 respectively. He further submits that the petitioner is in custody since 02.09.2022.

5. Upon the specific query from the counsel for the petitioner that whether charge has been framed or not, counsel submits that he is completely unaware about this fact that whether charge has been framed in this case or not, but he submits that the present case is a majestrial triable case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time of granting bail to the petitioner his criminal antecedents may be taken into consideration.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **two months after framing of charge** 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 Chief Judicial Magistrate XVI, Vaishali at



Hajipur in connection with Baligaon P.S. Case No. 142 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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