

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24530 of 2024

Arising Out of PS. Case No.-210 Year-2021 Thana- MAHUA District- Vaishali

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Amit Kumar @ Jaiky S/o Anil Singh @ Anil Kumar Singh Resident of
Village Rahimapur, P.s. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No. 501/2022 arising out of Mahua P.S. Case No.
210/2021 lodged on 24.03.2021 under Section 395 of the Indian
Penal Code.

3. As per the prosecution case, the FIR has been
lodged against six unknown accused persons with an allegation
of committing dacoity of Rs.1,50,000/-.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR, rather his name has figured
in this case on the basis of confessional statement of co-accused,
Md. Sarfaraj @ Prince @ Prince Raja and also due to the reason



that the antecedent of the petitioner is not clean as he is accused in ten more criminal cases. The petitioner is in custody since 15.06.2021, but inadvertently it has wrongly been inserted in the ordersheet of the learned trial Court that he is in custody since 15.06.2020. Co-accused Md. Sarfaraj @ Prince @ Prince Raja on whose confession, the name of the petitioner has figured in this case has been granted bail by this Hon'ble Court vide order dated 10.11.2023 passed in Criminal Miscellaneous No. 62656 of 2023 while other co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 20.06.2023 passed in Criminal Miscellaneous No.3345/2023. Moreover, nothing incriminating has been recovered from the possession of the petitioner nor the petitioner has been put on the Test Identification Parade.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on being satisfied that he is not absconding in (I) Hajipur Town P.S. Case No. 332/2018; (ii) Ganga Bridge



P.S. Case No. 26/2019 (iii) Ganga Bridge P.S. Case No. 66/2019 (iv) Ganga Bridge P.S. Case No. 73/2019 (v) Sonapur P.S. Case No. 162/2021 (vi) Industrial Area P.S. Case No. 158/2020 (vii) Mahua P.S. Case No. 123/2021 (viii) Mahua P.S. Case No. 188/2021 (ix) Mahua P.S. Case No. 215/2021 and (x) Goraul P.S. Case No. 143/2021, 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-XII, Vaishali at Hajipur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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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