

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27598 of 2024

Arising Out of PS. Case No.-76 Year-2018 Thana- BHAGWANPUR District- Vaishali

Niraj Kumar @ Niraj SON OF DEVENDER SAH @ DEVENDRA SAH
Village -Rasulpur Korigaon Police Station- Goraul District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29647 of 2024

Arising Out of PS. Case No.-76 Year-2018 Thana- BHAGWANPUR District- Vaishali

Md. Arshad Alam @ Md. Arshad @ Arsh Alam son of Md. Izhar Alam @
Majnu Mian Village- Bag Dulhan Ps- nagar Hajipur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 27598 of 2024)
For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP
(In CRIMINAL MISCELLANEOUS No. 29647 of 2024)
For the Petitioner/s : Mr. Dharendra Prasad Sinha, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 06-09-2024 Heard the parties in both the cases.

2. The petitioners are in custody in connection with
Bhagwanpur P.S. Case No. 76 of 2018 for the offence
punishable under section 395 of the Indian Penal Code lodged
on 09.05.2018 by the informant, Dilip Kumar.

3. As per the prosecution story, the allegation of the



informant is that the accused persons entered the automobile engines agency and took away Rs. 1,45,000/- as also gold chains beside snatching from Gajendra Kumar Rs. 60,000/- and important documents, this led to the FIR.

4. Subsequently, during the course of investigation along with Prince Kumar and Sujeet Kumar, were arrested and on their confession, the names of other accused persons have come.

5. Learned counsel for the petitioners submit that nothing have been recovered from their possession and further no T.I. Parade have not been conducted. He submits that only because of criminal antecedent, the petitioners have been implicated and further if extended relief, they undertake to diligently appear in trial. The last submission is that Raj Kapoor Sah @ Raj Kapoor has been subsequently extended relief vide order dated 05.07.2024 in Cr. Misc. 38716 of 2024.

6. Learned APP opposes the prayer for bail submitting that both have criminal antecedents and their names have come in the confessional statements of the accused persons.

7. Taking into account the aforesaid facts as also that they are in custody since 30.11.2023 (Niraj Kumar @ Niraj) and 19.11.2022 (Md. Arshad Alam), but neither any recovery has



been attributed from them nor T.I. Parade conducted, as submitted by their respective counsels, an undertaking has been given that they will be diligently appearing in trial, this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 76 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight till the conclusion of the trial.

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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