

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29409 of 2024

Arising Out of PS. Case No.-123 Year-2021 Thana- MAHUA District- Vaishali

Amit Kumar @ Jaikey @ Jaicky son of Anil Singh @ Anil Kumar Singh
Resident of Village- Rahimapur Ps- Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr.Manish Chandra Gandhi, learned counsel
for the petitioner and Mrs.Asha Devi, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
08.10.2021 in connection with S.Tr.No.348/2023 arising out of
Mahua P.S. Case No. 123 of 2021, F.I.R. dated 16.02.2021
registered for the offence punishable under Section 395 of IPC.

3. As per the allegation made in the FIR, five
unknown miscreants have looted the motorcycle of the
informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case on the basis of the confessional statement of co-
accused person, namely, Sarfaraj @ Prince @ Raja. Further



submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and apart from the aforesaid the petitioner carries ten more cases other than the present one and on the sole ground in each and every cases, the petitioner has falsely been implicated on the ground of his previous criminal antecedent. Further submits that co-accused persons, namely, Md. Prince @ Sarfaraj @ Raja has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.06.2022 passed in Cr. Misc. No.13681 of 2022 and another co-accused person, namely, Saurav @ Saheb@Saurabh Kumar @ Saurav Kumar has also been granted bail by this Court vide order dated 14.07.2023 passed in Cr. Misc. No.22788 of 2023 and the petitioner is in custody since 08.10.2021.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-XI, Vaishali at Hajipur in connection with S.Tr.No.348/2023 arising out of Mahua P.S. Case No. 123 of 2021,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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