

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31253 of 2024

Arising Out of PS. Case No.-659 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Raj Kapoor Sah son of Late Julum Sah Resident of Village- Patepur, P.S.-
Kartaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No. 659 of 2023 lodged on 28.08.2023
under Sections 395 and 412 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three unknown accused persons alleging therein
that all the accused persons snatched the motorcycle, cash
amount of Rs. 98,770/-, a Tab and a mobile phone of the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The FIR
has been lodged against unknown accuse persons. Moreover,
nothing incriminating has been recovered from the possession of



the petitioner nor the petitioner has been put on the Test Identification Parade. The name of the petitioner has been dragged in the present case on the basis of his own confessional statement recorded before the police. The petitioner is in custody since 19.10.2023 and is accused in eight more criminal cases. He further submits that the offences under which the petitioner has been charged, is magisterial triable and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

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, **but only after framing of charge, if already not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, 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.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

(i) Mahua P.S. Case No. 95 of 2017

(ii) Kudhani (Muzaffarpur) P.S. Case No. 269/2018



- (iii) Kartahan P.S. Case No. 38/2018
- (iv) Sadar P.S. Case No. 769/2018
- (v) Lalganj P.S. Case No. 238/2016
- (vi) Mahua Union Bank Loot Case No. 110/2018
- (vii) Sarar Hajipur P.S. Case No. 69 of 2018
- (viii)Sadar Hajipur P.S. Case No. 676 of 2023

(Dr. Anshuman, J)

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