

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31438 of 2024

Arising Out of PS. Case No.-91 Year-2022 Thana- DEEPNAGAR District- Nalanda

Bijendra Kumar @ Vijendra Kumar Son of Late Rajendra Sao @ Late
Rajendra Prasad R/o Village- Neyamatpur, P.S.- Mahkar, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Ms. Mukul Kumari, learned counsel for the
petitioner and Mr. Rana Randhir Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
18.01.2024, in connection with G.R. No 772 of 2022 arising out of
Deepnagar P.S. Case No. 91 of 2022, F.I.R. dated 25.02.2022
registered for the offences punishable under Section 395 of the
Indian Penal Code.

3. The F.I.R. of the occurrence of dacoity is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. She further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. She further submits



that the petitioner is not named in the F.I.R. and nothing has been recovered from the possession of the petitioner and the petitioner has been remanded in the present case on 18.01.2024 from Wazirganj P.S. Case No. 94 of 2022. He further submits that another co-accused person namely Tusan Gope has been granted bail by this Court vide order dated 20.04.2023 passed in Cr. Misc. No. 2595 of 2023, another co-accused person namely Deepak Kumar @ Baso has been granted bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 44640 of 2023 respectively. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.01.2024.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired during investigation and apart from that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda in



connection with G.R. No. 772 of 2022 arising out of Deepnagar P.S. Case No. 91 of 2022, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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