

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37382 of 2024

Arising Out of PS. Case No.-160 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Raj Vivek @ Vivek @ Firangi Son of Braj Bhushan Singh R/O Vill.-
Balwakuari, P.S.- Hajipur Sadar, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 160 of 2022 registered on 05.03.2022 for the alleged offences under Sections 394, 307 of the Indian Penal code and Section 27 of the Arms Act.

03. As per prosecution case, four miscreants on two motorcycles came to the Petrol Pump of the informant where he has been working as a Nozzleman and after filling up of petrol in motorcycle, they drew pistols and looted the mobile phone of another Nozzleman and also fired upon his leg, causing injury to him. They were looking for cash but did not get the same. The name of the petitioner surfaced during investigation as one of the accused persons who was involved in the robbery.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. F.I.R. has been lodged against unknown and the petitioner have been named on the basis of confessional statement of co-accused Monu Kumar who named the petitioner as his associates and admitted his guilt in the present offence. However, the petitioner was not present at the place of occurrence and nothing incriminating has been recovered from his possession. No Test Identification Parade has been conducted. The petitioner is in custody since 25.01.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioner is accused in six other cases of similar nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and apparent lack of material against him and further considering period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 160 of 2022, subject to the conditions

mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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