

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38716 of 2024

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

Raj Kapoor Sah S/O late Julum Sah R/O Village Patepur, P.S. Kartaha, Distt-
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. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2024

Heard the parties.

2. The petitioner is an accused in connection with Bhagwanpur P.S. Case No. 76 of 2018 registered for the offences 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 informant alleged that the accused persons barged into his automobile agency and took away Rs. 1,45,000/- and some gold chain besides a mobile and also snatched Rs. 60,000/- from her Gajendra Kumar besides some important documents. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that admittedly, his name has come in the confessional statement of Prince Kumar and Sujit Kumar who were apprehended from the spot. There is no recovery from his possession and nor he has



even been put on Test Identification Parade. He however concedes that earlier the anticipatory bail application was rejected on 11.01.2023. He submits that having criminal antecedent, he is in jail since long but has been remanded in this case on 30.10.2023 (paragraph-4 to the petition).

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that his name has come in the confessional statement.

6. Considering the fact that now he chose to go to the judicial custody where he has been remanded on 30.10.2023, name has come in the confessional statement, no T.I.Parade conducted nor anything recovered from his possession as submitted by learned Counsel for the petitioner, this Court is inclined to extend him privilege of bail.

7. If however, it is found that there has been any recovery from his possession, the order shall become infructuous.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned 4th Additional Chief Judicial Magistrate, 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 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

(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.

(Rajiv Roy, J)

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