

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39127 of 2024

Arising Out of PS. Case No.-103 Year-2021 Thana- PANAPUR District- Saran

Aditya Vinayak @ Harshit Mishra S/O Devendra Mishra R/O Village- Chetan
Chapra, P.S- Banigapur, Distt.- Saran At Chapra. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Ashok Kumar Varma, learned counsel for
the petitioner and Mr. Brajendra Nath Pandey, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.08.2021 in connection with Panapur P.S. Case No. 103 of
2021, F.I.R. dated 03.06.2021 for the offences punishable under
Section 395 of the Indian Penal Code.

3. According to prosecution case, five unknown
miscreants armed with pistol committed dacoity in the bank and
looted Rs. 1,61,686/- and fled away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. He further submits that the present F.I.R is against
the unknown persons and during investigation two persons were
arrested namely, Rajesh Singh and Kishori Chaudhary and they



have confessed the name of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rajesh Kumar Singh @ Rajesh Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 37509 of 2023 and another co-accused, namely, Nagmani Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 26972 of 2023. The petitioner is in custody since 28.08.2021.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in one case out of three cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Saran at Chapra in connection with Panapur P.S. Case No. 103 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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