

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50707 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- DHANGAI District- Bhojpur

Niraj Gupta @ Niraj Sah, Son Of Rudal Sah, Resident Of Village - Majhiaon,
P.S. - Piro, District - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 24-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Dhangai P.S. Case No. 118
of 2022 registered for the offence punishable under Sections 392
of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that while the informant was going to his CSP on his
motorcycle, in the mean time three persons boarding on a
motorcycle overtook him and snatched a bag containing rupees
forty thousand and also looted rupees forty-one thousand, which
was kept in his jacket.

4. Learned Advocate appearing on behalf of the
petitioner contended that the FIR has been instituted against
unknown miscreants. However, during the course of



investigation the name of the petitioner has surfaced on the confessional statement of co-accused Mantu Kumar and Akash Singh. Despite the fact that the petitioner has been incarcerated since 02.11.2023, neither he has been put on Test Identification Parade nor any incriminating material has been recovered from his conscious possession. It is further contended that in fact reason behind the false implication is criminal antecedent of the petitioner, which has been mentioned in paragraph no. 3.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner is carrying ten criminal antecedent over his head and, as such, he appears to be a habitual criminal.

6. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and the fact that till date he has not been put on Test Identification Parade, moreover, mere antecedent of the person cannot be a ground to keep him behind the bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Dhangai P.S. Case No. 118 of 2022, subject to the



condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

