

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61944 of 2024

Arising Out of PS. Case No.-620 Year-2024 Thana- AHYAPUR District- Muzaffarpur

Alok Kumar Singh, S/O Mahendra Prasad Singh, Resident of Village- Sahata,
P.S- Lalganj, Distt.- vaishali. Presently residing at Village- Bhagwanpur, P.S-
Bhagwanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. M.K. Nirala, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Aryan Singh, 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 Ahiyapur P.S. Case No.
620 of 2024 registered for the offence punishable under Sections
420, 379 and 328 of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that while the informant was coming through a bus
from Patna to Darbhanga, in the way the petitioner who is
alleged to have been sitting beside his seat, offered him a
sedative cold drink whereupon the informant lost his
consciousness. His belongings which are mentioned in the FIR



were found missing and the informant was taken to the hospital for the treatment.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention of the FIR submitted that the fardbeyan of the informant was recorded at 03:25pm on 10.05.2024 and the seizure list suggest the time of seizure is 05:15pm on the same day and in the meanwhile the petitioner was apprehended and thereafter the recovery has been shown to be made from the premises of Ahiyapur police station. Thus, the false implication of the petitioner based upon suspicion cannot be ruled out. It is next contended that admittedly the informant has not sustained any injury on account of sedative and, as such, no case much less under Section 328 of the Indian Penal Code is made out. So far Section 420 is concerned, the same is not applicable in the present case. The offence punishable under Section 379 of the Indian Penal Code is triable by the Magistrate, is the contention of the petitioner. It is lastly contended that be that as it may, now the petitioner has been incarcerated since 11.05.2024 and the investigation of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned Additional Public



Prosecutor for the State vehemently opposes the bail application and submits that an identical nature of crime has been registered against the petitioner way back in the year 2010, the particular of which has been mentioned in paragraph no. 3 of the application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the chargesheet has been submitted coupled with the infirmities in the search and seizure, 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, Muzaffarpur in connection with Ahiyapur P.S. Case No. 620 of 2024, 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)

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