

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62443 of 2024

Arising Out of PS. Case No.-468 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Prince Kumar Son of Late Amod Ray R/o Village- Senduari, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Hajipur Sadar P.S. Case No. 468 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. While the informant was going to his house from the Plumber Training Company where he used to work, in the meantime, three miscreants boarded on a motorcycle intercepted him and snatched his motorcycle and the valuables, after giving threatening to his life.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the police

apprehended one co-accused, namely, Avinash Kumar and recorded his confessional statement. It is his confessional statement where the name of the petitioner has sprung up. Save and except the confessional statement, there is no material suggesting the involvement of the petitioner in the crime. Moreover, such confessional statement of co-accused before the police has no evidenciary value is the contention of learned Advocate for the petitioner. It is next contended that in fact, only on account of criminal antecedent, the name of the petitioner has been implicated in this case without there being any material. The petitioner has been incarcerated since 20.04.2023, but till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the long list of criminal antecedent, which runs 11 in number speaks loud about the involvement of the petitioner in such type of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been incarcerated for a period of one and half years and till

date there is neither any test identification parade nor there is recovery of incriminating material, all the more, the crime in question is triabled by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Hajipur P.S. Case No. 468 of 2021, 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.)

Jyoti Kumari/-

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