

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66644 of 2024

Arising Out of PS. Case No.-265 Year-2020 Thana- ARARIA District- Araria

Abhishek Kr. Singh @ Abhishek Singh @ Anku Son of Hira Singh Resident
of Om Nagar, Ward No.- 08, P.S.- Araria, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2024 Heard Mr. Vijay Kishore Bharti, the learned counsel
for the petitioner and Mr. Ganesh Prasad Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 30.05.2020, in connection with Araria P.S. Case No. 265
of 2020, FIR dated 31.03.2020, registered for the offences
punishable under Section 394 of the Indian Penal Code.

3. According to the prosecution case, after
withdrawing money from the different ATMs, informant
purchased medicine from the shop and when reached near
Koshkipur Pulia, two pulsar motorcycle borne persons
intercepted him and on the point of pistol, snatched bag of the
informant containing rupees three lakhs along with other
valuable items and fled away.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of accused persons which was recorded in Forbesganj P.S. Case No. 258 of 2020 and till date no test identification parade was conducted by the prosecution and nothing has been recovered from conscious possession or the house of the petitioner. He further submits that other co-accused persons, namely, Sonu Raj @ Sonu Sah and Ajit Jha @ Ajit Mishra @ Ajit Kumar Mishra who have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 27.01.2021 and 02.03.2021 passed in Cr. Misc. Nos. 36037 of 2020 and 1128 of 2021 respectively as also co-accused, namely, Md. Shafique @ Shafique @ Guddu has been granted bail by this Court vide order dated 18.09.2023 passed in Cr. Misc. No. 18631 of 2023. He further submits that the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 30.05.2020 more than four years.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for



bail of the petitioner and submits that the petitioner carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of five cases, the petitioner is on bail in two cases and rest three cases are pending for consideration.

6. Considering the facts and circumstances of the case as well as the period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 265 of 2020, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court



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 learned trial Court 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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