

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70005 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- VAISHALI District- Vaishali

Subodh Kumar, Son of Suresh Mahto, Resident of Village- Dharfari, P.O and
P.S.- Deoria, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Vaishali P.S. Case No. 234 of 2024 registered
for the offences punishable under Sections 399, 402 and 414 of
the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the
Arms Act.

3. The police on a secret information regarding the
assemblage of the miscreants, raided a mango orchard and
apprehended four persons, including the petitioner. From the
possession of the petitioner, one cartridge and Rs. 4500 cash as
well as two Bank pass-books were recovered. The informant,
who happens to be police official disclosed that the apprehended
persons had also participated in a crime earlier, where all of



them had looted a Bank employee.

4. Learned counsel for the petitioner contended that the recovery of cartridge without there being any arms clearly suggests that this is a case in which the petitioner has been falsely implicated at the hands of the police. A Cartridge without arms is of no use. It is next contended that there is complete defiance of the provisions as prescribed under Section 100(4) CrPC. Moreover, prior to the institution of this case, the petitioner had no criminal antecedent but on being apprehended in the present case, the petitioner has been remanded in Vaishali P.S. Case No. 217 of 2024. Be that as it may, now the petitioner has been incarcerated since 28.06.2024; now, the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the recovery of two Bank pass-books suggests the involvement of the petitioner in the earlier crime of loot.

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 charge-sheet has been submitted, coupled with the fact that prior to the institution



of this case, the petitioner had absolutely fair antecedent as also the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Hajipur at Vaishali in connection with Vaishali P.S. Case No. 234 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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