

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78288 of 2024

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

Om Prakash Singh, S/o- Harendra Singh, Resident of Village- Marwa Pakar
PS- Saraiya District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-12-2024 Heard learned counsel for the petitioner and learned
APP 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 Arms Act.

3. The police on a tip-off assemblage of some miscreants, raided a mango orchard and apprehended four persons including the petitioner. From the possession of the petitioner, one live cartridge, one knife, Rs.7,000/- cash and one pan card and debit card were recovered. It is also alleged that from the place of occurrence, two motorcycles were also recovered, out of which, one belongs to the petitioner.



4. There is complete denial of the recovery from the possession of the petitioner.

5. Learned counsel for the petitioner contended that, in fact, on the alleged date and time of occurrence, the petitioner was just near the place of occurrence and, on suspicion, he was apprehended, thereafter, recovery has been shown from the possession of the petitioner. It is next contended that after the arrest of the petitioner in connection with the present case, he has been remanded in one another case being Vaishali P.S. Case No. 217 of 2024. Prior to the present case, the petitioner had absolutely clean antecedent. Moreover, the petitioner has been incarcerated since 28.06.2024. Now, the investigation of the crime is complete and the charge-sheet has been submitted. It is also the contention of the petitioner that one of the co-accused persons having identical allegation has been allowed the privilege of bail by this Court in Cr. Misc. No. 70005 of 2024 vide order dated 03.10.2024.

6. On the other hand, learned counsel for the State vehemently opposed the bail application.

7. 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 case of the petitioner based on parity, 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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