

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83692 of 2023

Arising Out of PS. Case No.-553 Year-2023 Thana- NAGAR District- Vaishali

NEERAJ KUMAR Son of Late Ajabi Lal Sahni R/o Alamganj Chouki, Golai
Ghat, P.s. - Alamganj, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakib Ayaz

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 553 of 2023 registered for the offences punishable
under Section 379 of the Indian Penal Code.

3. As per prosecution case, in the night of 11.07.2023
the informant parked his auto in front of his door and went to
sleep. On the next morning the said auto was found missing.
Hence, FIR has been lodged against unknown.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case on the basis of suspicion. Petitioner is not named in the FIR
but during course of investigation petitioner is apprehended with



the auto in question. He further submits that petitioner being a passenger sat on the said auto to go to his relative house and he was waiting for the auto driver, meanwhile police came and apprehended the petitioner. He further submits that petitioner confessed his guilt before the police which has no evidentiary value in the eye of law. Petitioner is in custody since 27.07.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Town P.S. Case No. 553 of 2023, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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