

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28868 of 2025

Arising Out of PS. Case No.-632 Year-2023 Thana- NAGAR District- Vaishali

Jitan Kumar @ Jitan Rai @ Sawan @ Jitendra Rai S/O Rajeshwar Rai R/O
Village/Mohalla- Subhash Chowk, P.S- Hajipur Town, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Advocate Mr. Amar Kumar, Advocate Ms. Deepshikha, Advocate
For the Opposite Party/s :		Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 18-06-2025 Heard Mr. Dharmendra Kumar Paswan, the learned
counsel appearing on behalf of the petitioner and Dr.
Mrityunjaya Kr. Gautam, the learned Additional Public
Prosecutor for the State.

2. The petitioner through 2nd bail application, seeks
bail in a case registered for the offences punishable under
Sections 392 of the Indian Penal Code and Section 27 of the
Arms Act. Petitioner has six criminal antecedents.

3. As per the prosecution case, the informant has
alleged that on 14.08.2023, while he was riding his scooter three
miscreants overtook and intercepted him and they demanded the
bag which the informant was carrying and on refusal one of the
man fired a shot and thereafter, the informant handed over his



bag to the miscreants who subsequently fled away.

4. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired during the course of investigation in the confessional statement of one co-accused Dhiraj Kumar and thereafter he was arrested. It has further been submitted that no incriminating article has been recovered from the conscious possession of the petitioner. The learned counsel has drawn the attention of this Court towards the order dated 13.12.2024, passed in Criminal Misc. No. 69554 of 2024 whereby the petitioner had approached this Hon'ble Court with a prayer for bail and the same was dismissed with a liberty to approach this Court after framing of charge. The learned counsel for the petitioner submits that the charges have already been framed on 24.02.2025 and he is in custody since 01.05.2024 in the present case.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that petitioner who is part of the gang, had looted the informant and carries six criminal antecedents and hence does not deserve the liberty of bail

6. Considering the aforesaid submissions made by the parties and taking account that the charges have already been



framed and also taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Nagar P.S. Case No. 632 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 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.

(Sourendra Pandey, J)

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