

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90032 of 2024

Arising out of PS. Case No.-322 Year-2023 Thana- HARSIDHI District- East Champaran

Vishnu Kumar, S/o Janak Sah, R/o Village- Semara Bazar, P.S.- Turkauliya,
District- E. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar-II, Advocate

For the Opposite Party/s: Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 17-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Har-
sidhi P.S. Case No. 322 of 2023 instituted for the offences under
Sections 395, 397 and 412 of the Indian Penal Code and Sec-
tion 25(1-b) and 35 of the Arms Act.

3. The prosecution story is to the effect that on
15.05.2023 the informant proceeded towards his jewellery shop
situated at Harsidhi Shital Bazar and in the night at around 7.20
P.M. after closing his shop he was to proceed to his house with a
bag containing 50-60 Grams gold, 2-3 Kg silver, key and diary
on his bike, six miscreants overtook him and surrounded and
they open fired and also began to snatch the bag hanging with
handle of the bike. It was further stated that the miscreants took



the bag and fled away firing upon the informant.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has been falsely implicated in this case and the petitioner is not named in the FIR and his name has surfaced in the confessional statement of the co-accused. It is further submitted that petitioner was arrested in the present case and, thereafter, he has been named in four other cases which were registered against unknown. It is also submitted that from perusal of the case diary it is evident that only a key and register has been recovered from the petitioner and till date no TIP has been done for the identification of the accused persons. It is lastly submitted that the petitioner is in custody since 05.08.2023.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the petitioner carries criminal antecedents and he is habitual offender and is indulged in cases of loot.

6. Considering the aforesaid submissions of respective counsels and taking into consideration the fact that the petitioner is not named in the FIR and his name has surfaced in the confessional statement of co-accused and subsequently key and diary has been recovered from his possession and also the peti-



tioner is in custody since 05.08.2023, the petitioner above named, is directed to 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 the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Har-sidhi P.S. Case No. 322 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(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 canceled by the Court concerned.

(Sourendra Pandey, J)

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