

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33972 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -CHAKAND District- GAYA

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1. Vishal Kumar Son of Jitan Yadav, Resident of Village- Kandi Nawada,
P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
16.04.2017 in connection with Chakand P.S. Case No. 01 of 2017
(G.R. No. 91 of 2017) for offences punishable under Section 392.
of the Indian Penal Code.

The prosecution case, as lodged by the Manager of
Bhagwati Filling Station is that while he was in the cash room,
three miscreants came and on gun point took out Rs. Two lacs
from the chest along with two mobiles and fled away.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and bears no criminal history. He submits that no T.I.



parade has been done so far. Nothing has been recovered from his conscious possession and it is on the basis of his confessional statement and confessional statement of co-accused Chandan Kumar before the police, which has no evidentiary value in the eye of law, he has been made accused and that co-accused Chandan Kumar has been granted the privilege of bail by a co-ordinate Bench of this Court in Cri. Misc. No. 35040 of 2017 on 10.08.2017. He further submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Chakand P.S. Case No. 01 of 2017 (G.R. No. 91 of 2017) subject to the following conditions:-

- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar



offence till conclusion of the trial.

- (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
- (iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Nilu Agrawal, J)

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