

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43851 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Vijay Kumar @ Manish Kumar Son of Bharat Ram, R/o Village- Sita Kund, P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 28.06.2017 in connection with Pipra P.S. Case No. 73 of 2017 for offences punishable under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was going to his house three miscreants with fire-arms intercepted and took away Rs. 1,20,000/-, his mobile, laptop and recharge coupon worth Rs. 1,25,000/-.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name surfaced on the confessional statement of co-accused before the police, which has no evidentiary value in the



eye of law. He submits that no T.I. Parade has been done so far and nothing incriminating has been recovered from his conscious possession. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is submitted that one of the co-accused on similar allegations, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 47435 of 2017 on 18.10.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is member of the gang involved in snatching and robbery.

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, East Champaran at Motihari, in connection with Pipra P.S. Case No. 73 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) That 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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