

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39925 of 2017

Arising Out of PS.Case No. -570 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. VIKASH KUMAR @ DIVESH KUMAR @ DEVESH KUMAR Son of
Umesh Chandra Ram, Resident of Village-Patelwa P.S.-Mohania District-
Kaimur (Bhabua) at Present South of Bihar Mill Mohania in Rental House
of Shivdhawja Rai P.O. + P.S.-Mohania District-Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.06.2017 in connection with Mohania P.S. Case No. 570/16 for
offences punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant driver
of the bus, is that while he was taking his bus from Mohania to
Buxar, six miscreants on two motorcycles intercepted the bus, two
entered the bus and looted the passengers of their valuables and
mobiles and all of them fled away in their motorcycles.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and it was only on the basis of his identification made by the bus conductor Ras Bihari Singh on 01.06.2017 after about six months of the alleged occurrence that petitioner has been implicated, which creates doubt on the veracity of the allegations. He submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and one of the co-accused, who was identified subsequently along with the petitioner, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36125 of 2017 on 19.09.2017 on similar allegations.

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, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 570/2016, 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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