

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2085 of 2018**

Arising Out of PS.Case No. -285 Year- 2017 Thana -MADHUBAN District-  
EASTCHAMPARAN(MOTIHARI)

=====

Vivek Kumar Son of Uma Shankar Singh, Resident of Village-  
Sikandarpur Kundal, Police Station-Muzaffarpur Town, District-  
Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Arvind Kr. Srivastava

For the Opposite Party/s APP

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2     15-01-2018             Heard learned counsel for the petitioner and learned APP for  
the State.

2. The petitioner is in custody since 05.11.2017 in  
connection with Madhuban P.S. Case No. 285 of 2017 for the  
alleged offences under Sections 379, 413, 414, 467, 463, 420 and 34  
of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely  
implicated in connection with a stolen tractor merely on suspicion  
and because the petitioner along with another co-accused was  
found standing at the side of the tractor. Except suspicion there is  
no material to connect the petitioner with the alleged occurrence.  
The petitioner is not a signatory to the seizure list. It is submitted  
that as a matter of fact the petitioner had taken into custody on  
03.11.2017 by Keshariya police and in respect of which the  
petitioner's father had lodged a complaint (Annexure-2) with the  
Human Rights Commission, Bihar, Patna. It is therefore, submitted  
that the petitioner cannot be expected to have been standing by the



side of the tractor on the alleged date of occurrence. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. 4<sup>th</sup>, Motihari, East Champaran, in connection with Madhuban P.S. Case No. 285 of 2017 on 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 co-operate 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.

(iv) 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.

Chandran/BT

**(Vikash Jain, J)**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

