

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2679 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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1. Vikram Kumar @ Bikram Kumar aged about 20 years Male s/o Rajendra Rai Vill-Lalpokhar,P.S-Sadar Hajipur,Dist.-Vaishali.
 2. Kundan Kumar aged about 32 years gender Male s/o Awaji Rai @ Avadh Bihari Ray Vill-Lalpokhar,P.S-Sadar Hajipur,Distt.-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Ramesh Chandra (App 54)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-03-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Industrial Area Hajipur P.S.**

Case No. 184 of 2018 registered for the offence punishable
under Section 395 of the Indian Penal Code.

Informant has alleged that on 23.10.2018 while he and his son proceeded for Deoghar with three cows and two calves of Rajendra Yadav on his pick-up van, in the way 6 persons on three motorcycle arrived and intercepted his vehicle. Out of them one got seated on driving seat of pick-up van and proceeded towards Ramashish Chowk and rest accused forcibly got seated the informant and his son on bike and took them behind Hajipur Railway station there they took away cash of Rs.



9000/-, cattles and mobile phone from pocket of informant's son on the point of pistol. They handed over key of pick up van to the informant and said to go to his home and if he returns there, he will be killed.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They have been falsely implicated in this case due to enmity with the police. Petitioners are not named in the FIR and the name of the petitioners have surfaced in this case on the basis of confessional statement of co-accused Nitesh Kumar and Vikram Kumar. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated dated 28.01.2019 passed in Cr. Misc. No. 4399 of 2019 and 27.02.2019 in Criminal Miscellaneous No. 1044 of 2019. Petitioners are in custody since 26.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Industrial Area Hajipur P.S. Case No. 184 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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