

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12308 of 2019

Arising Out of PS. Case No.-267 Year-2018 Thana- LALGANJ District- Vaishali

Vikash Kumar, Son of Ramesh Mahto @ Ramesh Patel @ Ramesh Kumar
Mahto, Resident of Village - Basanta, P.S.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-03-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
03.10.2018 in a case registered for the offence punishable under
Section 392 of the Indian Penal Code.

The prosecution case as per the written report of
Pankaj Kumar Singh submitted to the S.H.O., Lalganj P.S. is to
effect that on 19.07.2018 at about 10.40 P.M., the informant was
going to join his duty at Vaishali Museum, in the meantime,
three unknown stopped the motorcycle of the informant and



robbed his gun, leading to registration of FIR against three unknown persons. It is further alleged that during investigation, one Manish Kumar was apprehended who disclosed that he along with the petitioner, Vikas Kumar, co-accused Rajkumar and Lakshaman robbed the gun of the informant.

It is submitted by learned counsel for the petitioner that except the confessional statement of the co-accused Manish Kumar, no material has been collected against the petitioner and the petitioner has not been sent up for T.I. parade till date. It is further submitted that the looted gun was recovered from one Barun and the investigation has already been concluded. Moreover, co-accused, Manish Kumar on whose confessional statement the name of the petitioner sprang up, has been granted bail by co-ordinate bench of this Court, vide order dated 22.11.2018, passed in Cr. Misc. No.66029 of 2018, as contained in Annexure-2 of the petition. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one more case, apart from the present case, in which he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of the co-accused Manish Kumar on his arrest.



Considering the fact that the investigation has already been concluded and similarly situated co-accused person on whose statement the name of the petitioner sprang up, has been granted bail by co-ordinate bench of this Court, let the above named petitioner be released 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 **C.J.M., Vaishali at Hajipur** in connection with **Lalganj P.S. Case No.267 of 2018.**

(Dinesh Kumar Singh, J)

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