

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12629 of 2019

Arising Out of PS. Case No.-549 Year-2018 Thana- SIWAN CITY District- Siwan

VISHAL KUMAR PATEL, Male, aged about 19 years, Son of Manish Patel
@ Munesh Prasad, Resident of Village - Andar Dhala, Ramnagar, P.S.- Siwan
Town, Distt.- Siwan ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Dwivedi, Adv.

For the Opposite Party : Mr. Nityanand, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
01.09.2018 in connection with Siwan (Town) P.S. Case No. 549
of 2018 for the offences alleged under Sections 413, 414 and 34
of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that on information that two persons are on a stolen
Scorpio vehicle, the police apprehended the petitioner and co-
accused, Ravi Kumar Singh, who tried to flee away from the
said Scorpio vehicle, but, were apprehended who could not
show any valid paper regarding of ownership of the said
vehicle. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in



the aforesaid case just because he has a criminal antecedent. He, further, submits that although in the first information report the co-accused, Ravi Kumar Singh, was apprehended in the Scorpio vehicle, but, the seizure list only specifies that the said vehicle was recovered from the possession of the petitioner, which falsifies the prosecution story. He submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses and one of the co-accused, apprehended along with the petitioner, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 78848 of 2018, dated 15.02.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and two more cases of similar nature are pending against the petitioner.

Considering the facts and circumstances, the materials on record, the period of custody as well as that the charge sheet has already been submitted and the co-accused has been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwan (Town) P.S. Case No. 549 of 2018 to the



satisfaction of the learned Chief Judicial Magistrate, Siwan,
subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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