

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16325 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- MASHRAK District- Saran

VIKASH KUMAR, aged 22 years, Male, Son of Biltu Prasad @ Ashok Prasad, Resident of Village- Maghi, P.S.- Lakari Naviganj Basantpur, District-Siwan ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Basant Kumar Singh, Adv.

For the Opposite Party : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 07.12.2018 in connection with Masrak P.S. Case No. 19 of 2018 for the offences alleged under Sections 379 and 411 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel, is that while on patrolling and checking duty they saw a motorcycle, on which two persons were seated, and a tractor driven by one person coming, on being stopped all the three persons tried to flee away, but, one was apprehended, who disclosed the name of the other associates and could not show documents of ownership of the two vehicles, which are alleged to be stolen. Accordingly, a seizure list was prepared.

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



aforesaid case and not named in the first information report. He submits that he was not named by the apprehended co-accused, but, during investigation some other accused persons in their confessional statements revealed the name of the petitioner as one of his associates, hence, the petitioner has been remanded and made accused in four more cases of similar nature. He, further, submits that he was not present on the spot and undertakes to cooperate in the trial and not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that petitioner is a habitual offender and is involved in four more cases of similar nature.

Considering the nature of allegations and the materials on record, 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 Masrak P.S. Case No. 19 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Saran at Chapra, 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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