

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16322 of 2019

Arising Out of PS. Case No.-687 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

VIMAL KUMAR, Male, aged about 23 years, Son of Suresh Sah, Resident of
Village - Tegraha (Tengraha), P.S.- Bithan, Distt – Samastipur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party : Mr. Ajay Kumar, 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
27.11.2018 in connection with Muffasil P.S. Case No. 687 of
2018 for the offences alleged under Sections 414 and 34 of the
Indian Penal Code and under Sections 25(1-B)(a), 26 and 35 of
the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during the course of investigation of Muffasil
P.S. Case No. 645 of 2018 the police found the stolen
motorcycle in the possession of co-accused, Chhotu Kumar,
who was apprehended and revealed the name of his associates,
including the petitioner. Arms and ammunitions, ATM cards,
driving licence and as many as 14 motorcycles were recovered
from the house/shops of the co-accused. One stolen motorcycle
was recovered from the house of the petitioner. Accordingly, a



seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that apprehended co-accused, on whose confession petitioner's name surfaced, has already been granted the privilege of bail by this Court in Cr. Misc. No. 16320 of 2019, today, i.e., 26.03.2019. Petitioner, further, undertakes to cooperate in the investigation/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 the petitioner does not bear a clean antecedent and three more cases of similar nature are pending against him, although the petitioner submits that in two cases he has been granted bail by the learned Court below itself.

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 Muffasil P.S. Case No. 687 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate,



V, Samastipur, 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)

Shamshad/-

U		T	
---	--	---	--

