

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22413 of 2019

Arising Out of P.S. Case No.-896 Year-2018 Thana- KOTWALI District- Patna

VISHAL KUMAR (Male) aged about 18 years, Son of Late Anuj Goswami,
Resident of Kamla Nehru Nagar, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
26.12.2018 in connection with Kotwali P.S.Case No.896 of
2018 for the offence alleged under Sections 401, 411, 413, 414,
379 and 120(B) of the Indian Penal Code.

The prosecution case as lodged by the police
personnel is that during investigation of Kotwali P.S.Case
No.894 of 2018, the police apprehended one Manthan Kumar
who revealed the name of large number of his associates
stealing and dealing in stolen motorcycles. On the tip off the
apprehended co-accused, the house of co-accused Golu @
Parvej was searched and the petitioner along with others were
found present, large number of stolen motorcycles were



recovered. On a raid conducted at the house of Md. Rizwan also some co-accused with stolen motorcycles and Scooties worth Rs.6,00,000/- was recovered and the petitioner and others were made accused.

It has been submitted by the learned counsel for the petitioner that he is innocent and after the present case, the petitioner has been made accused in three more cases but did not bear any criminal antecedent before lodging of the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. The house did not belong to him and he and his mother were working in the house of Golu @ Parvej and has been apprehended. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence/witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the period of custody as well as the fact that chargesheet has already been submitted, 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



Kotwali P.S.Case No.896 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Patna, 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) 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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