

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21791 of 2019**

Arising Out of PS. Case No.-426 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

VIKASH KUMAR Son of Ramesh Mahto @ Ramesh Patel @ Ramesh  
Kumar Mahto Resident of Village- Basanta, P.S.- Lalganj, District- 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.Jitendra Kumar Singh

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      11-04-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
24.09.2018 in connection with Hajipur Sadar P.S. Case No. 426  
of 2018 for offences punishable under Section 394 of the Indian  
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is  
that while he had gone to the Samadhan office and after  
collecting Rs. 80,000/- was returning in the motorcycle along  
with one Jitendra Das, three motorcycle borne criminals  
intercepted them, took away the cash and motorcycle and also  
fired on the informant and his associate, which injured them.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated in the aforesaid case on the basis of confessional statement of co-accused and that of the petitioner before the police, which has no evidentiary value in the eye of law. He further submits that nothing has been recovered from the conscious possession of the petitioner, no T.I. Parade has been done so far and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses. It is further submitted that one of the co-accused has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 3967 of 2019 vide order dated 25.01.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the nature of allegations and the materials on record as well as the fact that charge-sheet has already been submitted, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 426 of 2018,



subject to the following conditions :

1. 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.
2. 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)**

Rajesh/-

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