

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25097 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- SOHSARAI District- Nalanda

VIVEK KUMAR Son of Subodh Kumar Resident of Village - Pachlakh, P.s.-
Khijarsaray, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has prayed for grant of bail in connection with Sohsarai P.S. Case no.116 of 2018 registered for the offence under Section 392 of the Indian Penal Code.

The above F.I.R. was lodged against three unknown persons.

By order dated 18.04.2019 case diary was called for which has been received.

It is submitted by learned counsel for the petitioner that the name of the petitioner transpires in course of investigation on the basis of confessional statement of co-accused Praduman Kumar given in Islampur P.S. Case No.175 of 2018 before the police. It is further submitted that no



incriminating article has been recovered from the person or possession of the petitioner. Besides this case the petitioner is accused in the above mentioned Islampur P.S. Case No.175 of 2018 wherein he was granted bail.

It is submitted by learned A.P.P. for the State that the name of the petitioner had transpired on confessional statement of co-accused. Bail may not be granted to the petitioner for the reason that he may not co-operate in the investigation/trial as it appears that the petitioner has still not been put on test identification parade.

Heard learned counsels for the parties.

Taking into consideration that the name of the petitioner transpires on the confessional statement of co-accused before the police and no incriminating article has been recovered from his possession, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in Sohsarai P.S. Case No.116 of 2018 subject to the conditions as laid down under Section 438(2) of



Criminal Procedure Code. It is further directed that the petitioner shall cooperate in investigation and shall make himself available in case, the investigating officer desires to put him on test identification parade. In case of the petitioner not cooperating in the investigation, steps may be taken by the learned court below for cancellation of his bail.

(Partha Sarthy, J)

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