

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77096 of 2018

Arising Out of PS. Case No.-410 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Vikash Kumar @ Vinay Kumar, Son of Late Dharmendrar Yadav, Resident of
Village-Jurabganj, P.S.Kodha, Distt.-Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate. Mr. Malay Kr. Chaudhary, Advocate. Mrs. Babita Kumari, Advocate. Mr. Ritwaj Raman, Advocate.
For the informant	:	Mr. Naresh Nandan, Advocate.
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioner, counsel
for the informant and the State.

The petitioner seeks bail in **Samastipur Mufassil**
P.S. Case No. 410 of 2018, instituted for the offence under
Section 379 of the Indian Penal Code. Subsequently, Sections
392, 411, 414 of Indian Penal Code was added.

It is alleged in the written report that on the date of
occurrence informant after withdrawing amount of Rs.2.50 lacs
from the State Bank of India was going to Jitwarpur Water Wage
office, and when he reached near FCCI More, two persons on
black colour Motorcycle came and took the bag which was
hanging on the handle of the Motorcycle of the informant



containing Rs.2.50 lacs and other materials as mentioned in the written report. The informant fell down during process of snatching and got injury on his knee. Thereafter, the accused persons fled away. The name of petitioner has come during investigation on the basis of CC TV camera footage.

Counsel for the petitioner submits that during investigation petitioner was arrested. He was put on Test Identification Parade, but none has identified him. The Test Identification Parade chart has been enclosed as Annexure-2. The Sessions Judge has committed error in the impugned order that petitioner has been identified in the Test Identification Parade. The counsel for the petitioner further submits that for recovery of Motorcycle, separate case has been filed vide L.M.N.U. P.S. Case No. 154 of 2017.

In the seizure list it is mentioned that money has been recovered from double storied house of Kishore Chaudhary. The aforesaid recovered amount was never put on Test Identification Parade. First Information Report is against unknown.

Counsel for the petitioner further submits that co-accused Chandan Kumar @ Chandan Yadav with similar allegation has already been granted bail by this Court vide order



dated 21.01.2019 passed in Cr. Misc. 75450 of 2018.

Counsel for the informant has appeared and opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released 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 **learned Additional Chief Judicial Magistrate-V, Samastipur,** in connection with **Samastipur Mufassil P.S. Case No. 410 of 2018,** subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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