

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61987 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- KESARIA District- East Champaran

VIKASH RAI @ VIVEK RAI @ VIKESH, S/o- Dhurup Ray, Resident of
Village- Siswa Kharar, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 04.06.2019 in a case registered for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case is that on 25.01.2019, at about 03.30 P.M., while the informant was returning home, his motorcycle, a laptop, fingerprint device, cash amount of Rs.70,000/ and other documents were robbed by some unknown miscreants, on the point of pistol, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation on the basis of confessional statement of co-accused, Santosh Kumar Yadav. Subsequently, robbed motorcycle was recovered from the



hutment of the petitioner.

It is submitted by learned counsel for the petitioner that recovery of the alleged motorcycle has not been made from the conscious physical possession of the petitioner, rather it has been made from a hutment which does not belong to the petitioner, a statement to that effect has been made in paragraph no.7 of the petition. It is further submitted that the petitioner has not been put on Test Identification Parade, but no statement to that effect has been made in the petition. Moreover, similarly situated co-accused, Santosh Kumar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 27.05.2019, passed in Criminal Miscellaneous No. 34400 of 2019 and the investigation has already concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery of robbed motorcycle has been made from the hutment which belongs to the petitioner.

Considering the fact that the investigation has already been concluded, similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, coupled



with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent , let the above named petitioner 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 ACJM-III at Motihari in connection with Keshariya P. S. Case No. 42 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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

