

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18660 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- LALGANJ District- Vaishali

1. Gaurav Kumar @ Do Panch aged about 26 Years, Male, Son of Raj Kumar Bhagat.
2. Vikash Kumar aged about 27 years, Male, Son of Late Ramji Ram.
Both are R/O Village Jalalpur, P.S. - Lalganj, District – Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-11-2020 Heard Mr. Nawal Kishore Singh, learned counsel for the petitioners and Mr. Uday Pratap Singh, learned counsel appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Lalganj P.S. Case No. 324 of 2019 registered for the offence under Section 394 of the I.P.C., Section 412 of the I.P.C. added later on and Section 27 of the Arms Act.

The allegation against the petitioners as per the First Information Report is that the informant along with his father was going on motorcycle after closing his jewellery shop but they were accosted by four unknown accused persons and were looted off their motorcycle, jewellery worth Rs. 5 Lakhs and the accused persons also fired upon the informant and his father which caused fire arm injuries upon them on their legs.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as



their name has been dragged in this case on the basis of confessional statement of the co- accused Chandan Kumar who has been granted bail by this court in Cr. Misc. No. 81915 of 2019. Learned counsel further submits that petitioners have been remanded in this case and have not been arrested on the spot by the Police. Learned counsel for the petitioners further submits that insofar as petitioner no. 2 is concerned, there is no recovery from his possession.

On the other hand, learned counsel for the State referring to paragraph nos. 16 & 17 of the case diary and the impugned order submits that the looted motorcycle has been recovered from the house of petitioner no. 1 whereas from the order granting bail to the co -accused Chandan Kumar it would be evident that no recovery was made from the possession of Chandan Kumar.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that the looted motorcycle has been recovered from the house of petitioner no. 1 and the petitioner no. 1 has got criminal antecedent, I am not inclined to grant regular bail to petitioner no. 1 at this stage. However, petitioner no. 1 may renew his prayer for bail after nine months, if the trial does not



show any progress.

However taking into consideration the submissions made by learned counsel for the petitioners as well as learned counsel appearing for the State and the fact that no incriminating article and / or the looted property has been recovered from the possession of petitioner no. 2 and he is in custody since 24.10.2018, I am inclined to grant regular bail to petitioner no. 2.

Accordingly, let the petitioner no. 2 namely, Vikash Kumar, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM XIV Vaishali at Hajipur / court concerned in connection with Lalganj P.S. Case No. 324 of 2019.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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