

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18696 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- MINAPUR District- Muzaffarpur

VIVEK KUMAR Son of Manoj Kumar @ Manoj Kumar Choudhary Resident
of Village - Choumukh, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the State : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-09-2020 Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner and Ms. Pushpa Sinha, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with

Minapur P.S. Case No. 18 of 2020 registered for the offence

punishable under Section 395 of the Indian Penal Code 1860.

The allegation against the petitioner as per First

Information Report is that the petitioner along with other

accused persons, who were 8-9 in numbers, snatched the

motorcycle of the informant.

Learned counsel for the petitioner submits that the

petitioner is not named in the First Information Report. The First

Information Report is against unknown. Learned counsel further

submits that name of the petitioner has transpired on the basis of



confessional statement of co-accused Anshu Kumar @ Kanchan Kumar Singh and he disclosed the name of 2-3 persons including Rohit Kumar stating therein that looted Motorcycle was handed over to one Rahul Sahni for the purpose of selling it. Learned counsel further submits that Rohit Kumar has already been granted bail by co-ordinate Bench of this Court vide order dated 04.06.2020 passed in Cr. Misc. 18314 of 2020. Learned counsel also submits that neither any incriminating article nor motorcycle in question has been recovered from possession of the petitioner. The petitioner has not been put on Test Identification Parade despite the fact that he is in custody since 24.01.2020.

Learned counsel for the State on the other hand, submits that name of the petitioner has come in the confessional statement of the co-accused and the petitioner has got criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the fact that nothing has been recovered from possession of the petitioner, similarly situated co-accused has already been granted bail by co-ordinate Bench of this Court and further considering the fact that criminal antecedent against the petitioner is under the Excise Act and not



of the same nature, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Minapur P.S. Case No. 18 of 2020.

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

(Anil Kumar Sinha, J)

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