

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26347 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- BENIPATTI District- Madhubani

VIKAS KUMAR @ VIKKI @ RAGHU S/o Sunil Kapar @ Sunil Kumar
Resident of Village-Dhurlakh (Aasimpur @ Asinpur), P.S.-Samastipur
Muffasil, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-10-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms. Veena Kumari Jaiswal, the learned APP for the State.

The petitioner seeks regular bail in connection with Benipatti PS case no. 246 of 2019 instituted for the offences punishable under Section 394 of Indian Penal Code.

The allegation is regarding four miscreants having barged in the office of Bharat Finance Inclusion Ltd., Benipatti Branch on 29.08.2019 at 3.30 pm while the informant and others were working there, whereafter the said miscreants had pointed pistol on the staff members and had then taken



away cash amount to the tune of Rs. 1,37,274/- as also a mobile phone. It is further alleged that the said miscreants had also assaulted other staff members and had taken a sum of Rs. 1,65,598/- from them, whereafter they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and as far as pending cases against the petitioner are concerned, the petitioner has been remanded in the said cases only after being falsely implicated in the present case. It is further submitted that the name of the petitioner has transpired upon the confessional statement made by the co-accused persons namely Amit Paswan and Reet Lal Mallik. It is further submitted that neither any recovery has been made from the petitioner nor any test identification parade has been held so as to connect the petitioner with the alleged occurrence. Lastly, it is submitted that the petitioner is languishing in custody since 07.09.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the name of



the petitioner has transpired in this case upon the confessional statement having been made by the co-accused persons and moreover, no test identification has been held so as to connect the petitioner with the alleged crime, apart from the fact the petitioner is languishing in custody since 07.09.2019, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Benipatti in connection with Benipatti PS case no. 246 of 2019.

(Mohit Kumar Shah, J)

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