

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31781 of 2020

Arising Out of PS Case No.-124 Year-2019 Thana- MUSHAHARI District- Muzaffarpur

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Vikash Kumar, aged about 21 years, Male, son of Vinay Bhushan, Resident
of Village-Karnpur Bochaha, P.S. Bochaha, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the State : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Arvind Kumar Singh, learned counsel for the petitioner and Mr. Rana Randhir Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Mushahari PS Case No. 124 of 2019 dated 03.05.2019, instituted under Section 394 of the Indian Penal Code.

4. The allegation against the petitioner is that he was one of the three persons who had looted the motorcycle and mobile phone of the informant while he was returning from



market.

5. Learned counsel for the petitioner submitted that the FIR is against unknown persons and despite it being written in the FIR that the informant could identify the miscreants in the Test Identification Parade (TIP), the same has not been held. Learned counsel submitted that the petitioner has no criminal antecedent and was arrested on 22.05.2019 on the basis of confessional statement of another co-accused in Minapur PS Case No. 130 of 2019 and thereafter has been implicated in six cases, including the present case, and has been remanded in the present case on 04.07.2019. Learned counsel submitted that without any complicity in the crime alleged and without him being identified by the informant he is languishing in custody.

6. At this stage, when the Court called upon learned counsel to take a stand whether he was ready for conducting TIP, he categorically stated that the petitioner was ready for such exercise.

7. Learned APP also submitted that this Court may direct the Court below to get TIP of the petitioner by the informant of the present case and based on the same, the Court may indicate consequences thereof.

8. Having regard to the categorical stand taken by



learned counsel for the petitioner and also learned APP, the application stands disposed off in the following terms:

(A) The Court below shall get TIP conducted of the petitioner by the informant of the present case within three weeks from the date of communication of the order to the Court below.

(B) If the TIP report discloses that the petitioner has been identified by the informant, the present application seeking bail by the petitioner will be deemed to have been rejected.

(C) If, on the other hand, the report discloses that the petitioner has not been identified by the informant in the present case, he shall be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 6th, Muzaffarpur in Mushahari PS Case No. 124 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall



lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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