

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13368 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Vikas Kumar @ Vikas Yadav @ Lalu @ Lalu Yadav @ Lallu Son Of
Tejbahadur Yadav @ Tej Bahadoor Yadav Resident Of Village - Chhawan,
P.S.- Durgawati, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Durgawati P.S.
Case No. 129 of 2020 registered for the offence punishable under
Sections 365 and 412 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with
other co-accused persons assaulted and looted the truck of the
informant while he was heading towards *Mughalsarai* after loading
cement on his truck from Konodia Cement Factory. It is alleged that
six persons on three motorcycle intercepted the truck of the



informant from backside and assaulted the informant with slaps and looted one mobile phone, purse containing amount of Rs. 1,300/- and documents like Driving licence, Adhaar Card, Atm Card, Voter ID Card and Green Card of SBI.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner is not named in the F.I.R. and he has not been put on T.I parade till date. He further submits that there is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statements of co-accused persons *Pankaj Yadav* and *Akash Singh @ Chhotu Singh* which has no evidentiary value in the eye of law. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 15.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Durgawati Police Station Case No. 129 of 2020 subject to the following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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