

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18067 of 2021**

Arising Out of PS. Case No.-425 Year-2019 Thana- BELAGANJ District- Gaya

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VIKASH KUMAR SON OF VIJAY YADAV R/O VILLAGE- KODIHRA,
P.S.- MASAURHI, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 01-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Surendra Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Belaganj P.S.Case No.425/2019 registered for the offences punishable under Section 392 of the Indian Penal Code and later on Section 395 of the Indian Penal Code was also added. He is in custody since 12.11.2020. The petitioner has got one criminal antecedent as stated in paragraph ‘3’ and he is said to be on bail in the said case (wrongly typed as both cases).



As per the prosecution story, the informant alleged that he is a driver of truck bearing Reg.No.BR01GD-1728 and on 25.12.2019 he along with Khalasi was going to Jharkhand from Masaurhi to bring coal. It is alleged that when the informant reached near Makhdumpur, then one Tavera vehicle stopped his truck and two persons came and told that they are Financer. Thereafter, they snatched the key of his vehicle and forcibly pulled down him and his Khalasi from the vehicle and took away his truck and also took his mobile, Adhar card, driving license and cash of Rs.1,41,000/- kept in the truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is not named in the First Information Report and his name has transpired in the confessional statement of the co-accused.

Learned counsel submits that the co-accused Sonu Kumar who was arrested by police along with Tavera vehicle allegedly used in the occurrence has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.21662/2020. It is submitted that the petitioner has remained in custody in connection with this case since 12.11.2020.



Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the submission of learned counsel for the petitioner is that the co-accused Sonu Kumar who was arrested by police along with Tavera vehicle allegedly used in the occurrence has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.21662/2020, so far as the petitioner is concerned, his name has transpired in the confessional statement of the co-accused and he has remained in custody since 12.11.2020, investigation against him is complete and the petitioner has got only one criminal antecedent but he is on bail in the said case (wrongly typed in paragraph '3' as both cases), this Court directs that petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Gaya in connection with Belaganj P.S. Case No.425/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the sureties shall be a family member of the petitioner having no criminal antecedent.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

