

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43642 of 2021

Arising Out of PS. Case No.-51 Year-2018 Thana- KHUDAGANJ District- Nalanda

Vivek Kumar Son of Subodh Yadav Resident of Village - Panchlakh, P.S.-
Khizersarai, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Khudaganj P.S. Case No. 51/2018 registered for the offences punishable under Section 379/34 of the Indian Penal Code.

The prosecution story in brief is that in the night of 10.05.2018 pick up van of the informant which was loaded with surf, stolen away by unknown thieves.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He is not



named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused namely Subhash Kumar @ S.K.Y. He further submitted that nothing has been recovered from the possession of the petitioner till date petitioner has not put up on T.I. Parade. He further submitted that co-accused namely Subhash Kumar @ S.K.Y., has been granted bail by a co-ordinate Bench of this Court vide order dated 25.10.2021 in Cr. Misc. No. 19873 of 2021 and another co-accused namely Praduman Kumar, has been granted bail vide order dated 26.11.2021 in Cr. Misc. No. 32763 of 2021. That the petitioner is in custody since 15.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Khudaganj P.S. Case No. 51/2018 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

2. If the petitioner, tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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