

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35013 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- JANDAHA District- Vaishali

Vivek Kumar, Son of Ram Dular Rai, Resident of Village - Kadilpur, P.S. - Mahua, District – Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 395, 412, 413, 120(B) of the Indian Penal Code.

The prosecution case in brief is that the informant used to sell the medicines in local market and on 21.01.2020 he proceeded on a Bolero pick-up vehicle fully loaded with medicines from Patna to Patori. But in the way three miscreants borne on a swift car overtook and stopped his vehicle and on the point of pistol they got down the informant and his driver and snatched away their mobile, bag containing papers of medicine, money etc. and they fled away with the Bolero Pick-up loaded with medicines, all the original papers of medicines and vehicle.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. On the basis of confessional statement of co-accused, petitioner has been made accused in this case. There is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 22.02.2020 and has got no criminal antecedent. The similarly situated co-accused have been granted bail by different Co-ordinate Benches of this court vide order dated 26.08.2020 passed in Cr. Misc. No. 22155/2020, order dated 12.10.2020 passed in Cr. Misc. No.26631/2020 and order dated 08.12.2020 passed in Cr. Misc. No. 29357/2020.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Jandaha P.S. Case No. 11/2020 to the satisfaction of the learned Sub-divisional Judicial Magistrate, Vaishali at Hajipur, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in 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 as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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