

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49640 of 2021

Arising Out of PS. Case No.-161 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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VIKASH SAO @ BIKASH SAH @ UNCLE Son of Pankaj Sao @ Vijay Sah
Resident of - Adarsh Nagar, P.S.- Sultanganj, District - Bhagalpur.

... .. 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. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.P.

(Bakhtiyarpur) P.S. Case No. 161 of 2019 registered for the

offence under Sections 307, 353, 504 and 414 of the Indian Penal

Code and Section 25(1-b)a, 26 and 35 of the Arms Act and

Sections 145, 147 and 152 of the Railway Act.

The petitioner along with his associates said to be

found in suspicious condition on the Railway Platform and on

seeing police party, they tried to fled away by firing upon them.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. In fact, merely on the basis of disclosure made by the co-accused, who is said to have fled away from the place of occurrence, this petitioner has been apprehended in this case. Save and except the said disclosure of the co-accused, no cogent material has come during course of investigation against the petitioner. Nothing incriminating has been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Ravi Kumar @ Santosh Kumar and Rahul Kumar, have already been granted bail by different co-ordinate Benches of this Court vide order dated 11.11.2020 and 02.12.2020 passed in Cr. Misc No.28454 of 2020 and Cr. Misc. No. 27939 of 2020, respectively. The petitioner is rotting in judicial custody since 07.03.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Railway Judicial Magistrate, Patna in connection with G.R.P. (Bakhtiyarpur) P.S. Case No. 161 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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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