

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.256 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- WAJIRGANJ District- Gaya

1. VIKASH KUMAR, Son of Sanjay Ram, Resident of Village- Barbigha, P.S.- Barbigha, District- Sheikhpura
2. DHAMAN KUMAR, Son of Uday Prasad, Resident of Village- Sosandi, P.S.- Rahui, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Although learned counsel for the petitioners submits that petitioner no. 2 has obtained 'No Objection' perhaps for the reason that the case was not being listed, this Court finds that no fresh Vakalatnama has been filed on record on behalf of the petitioner no. 2.

In the interest of justice, this Court heard the matter to consider the prayer for bail of both the petitioners.

Heard learned counsel for the petitioners and Mr. Gauri Shankar Gupta, learned A.P.P. for the State.



Petitioners in the present case are seeking regular bail in connection with Wazirganj P.S. Case No. 232 of 2020 registered for the offence under Section 394 and 411 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story while the informant was going to Nawada by truck, he was intercepted by a Hywa vehicle near Wagirganj. Four accused persons having arms got down from the said vehicle and assaulted the informant and his helper by butt of pistol and snatched the key of truck and Rs. 2200/- and laid them by tying their hands and legs. After about one and half hour the miscreants started fleeing away from the truck on seeing the Police but they were caught by the Police.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that during investigation the petitioners were not identified by the informant during Test Identification Parade. The petitioners are in custody since 22.05.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the submission of learned counsel



for the petitioners that the vehicle in question was though tried to be hijacked by the four accused persons who were armed with revolver, the Police chased them and caught hold of three accused persons including these petitioners, the petitioners are in jail since 22.05.2020 in connection with this case and in paragraph '3' it is stated that they have no criminal antecedent, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gaya in connection with Wazirganj P.S. Case No. 232 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

