

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40598 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- KATRA District- Muzaffarpur

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Vikash Kumar @ Bittu Aged About 27 Years S/O Lakshman Thakur R/O
Village- Ratanpur, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party : Mr.Rabindra Kumar, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-04-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 394 and 302 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, three unknown miscreants riding on a motorcycle intercepted the informant and after assault snatched his mobile phone and cash Rs.60,000/-on the point of pistol. Miscreants also opened fire causing injury to the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He is not named in the FIR. No incriminating material has been recovered from the conscious possession of the petitioner. Test Identification Parade has not been carried out till date. Only material that has come against the petitioner during course of investigation is that prior to the occurrence this petitioner was seen along with some co-accused persons near the betel shop. Petitioner is in custody since 17.6.2020 and charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that no incriminating material has been recovered from the conscious possession of the petitioner and test identification parade has not been carried out till date, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, East Muzaffarpur in Katra Police Station Case No. 247 of 2019 on 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 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.

(Prabhat Kumar Singh, J)

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