

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6162 of 2021**

Arising Out of PS. Case No.-101 Year-2019 Thana- GAIGHAT District- Muzaffarpur

VIKASH KUMAR S/O VINAY BHUSHAN SAHANI R/O VILL-
KARNPUR, P.S.- BOCHAHA, DISTRICT-MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 03-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Dr. Kumar Uday Pratap, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Gaighat P.S. Case No. 101 of 2019 for the offences registered under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 8.4.2019 the informant was going to Ram Nagar Kalyan and on his way three miscreants riding on motorcycle reached there and snatched his motorcycle along with mobile and cash of Rs. 3,000/- on the gun point and assaulted him.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. It is submitted that nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 12.7.2019.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner and not controverted by learned APP for the State that there is neither any recovery from the possession of the petitioner nor he has been put on Test Identification Parade though the petitioner is in judicial custody since 12.7.2019, the petitioner is said to have criminal antecedent of six cases as stated in Paragraph-3 and learned counsel has made statements on query that the petitioner is on bail in all the cases, considering the period of custody in connection with the present case and that in the impugned order also the learned Additional Sessions Judge-X, Muzaffarpur has not indicated about any recovery of the looted article from the possession of the petitioner or his identification etc. in connection with this case, this Court directs release of the petitioner above-named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-15th, Muzaffarpur in connection with Gaighat P.S. Case No. 101 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.