

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10854 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SHASTRINAGAR District- Patna

VIVEK KUMAR @ VIPIN S/o Nagendra Singh Resident of Village-
Brahampur Bajar, Vinayak Nagar, Near Boring, P.S.- Beur, District- Patna,
Native Village- Dudhiya, P.S.- Dighwara, District- Saran, Pin Code- 801503.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application.

The petitioner seeks bail in a case registered for
the offence under Sections 461, 379 and 427 of the Indian
Penal Code.

Three unknown persons are said to have been
damaging the ATM Machine of Punjab National Bank but no
cash was looted.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the petitioner has not been named in the F.I.R. but on the basis of self confession of the petitioner during the investigation, he has been made accused in this case. He further submits that in fact, nothing incriminating has been recovered from the conscious possession of the petitioner nor T.I.P. has been conducted by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.08.2021

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 Court below where the case is pending in connection with Shastri Nagar P.S. Case No. 56 of 2021 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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