

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11240 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- BALTHAR District- West Champaran

Vikash Kumar Son of Sri Santosh Mukhiya R/O Village- Basantpur, P.S.-
Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Basantpur
P.S. Case No. 100/2021 registered for the offences punishable
under Sections 393/34 of the Indian Penal Code and Section
37(c) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the petitioner alongwith
other accused persons have assaulted the informant and tried to
rob his motorcycle in a state of drunkenness. Petitioner and one
another accused person apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and there is general and omnibus allegation against him. He further submits that the motorcycle in question does not belong to the petitioner and he was apprehended on the spot. The petitioner is languishing in custody since 13.09.2021 and the petitioner bears criminal antecedent of three cases in which he is on bail, although two cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and nothing has been recovered from the possession of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran at Bettiah in connection with Balthar P.S. Case No. 100/2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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