

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14430 of 2022

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

ANIL KUMAR SAHANI @ VICKY Son of Kapil Sahani Resident of
Laxminiya, P.S. - Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22023 of 2022

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

VIKASH KUMAR GUPTA @ VIKASH KUMAR @ VIKASH LAL SON
OF GOVINDRA SAH R/O VILLAGE- KEVADHI, P.S.- KUDRA,
DISTRICT- BHABHUA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14430 of 2022)

For the Petitioner/s : Mr.Sanjiv Sharan

For the Opposite Party/s : Mr.Zainul Abedin

(In CRIMINAL MISCELLANEOUS No. 22023 of 2022)

For the Petitioner/s : Mr.Manish Dhari Singh

For the Opposite Party/s : Mr.Arbind Kumar Pandey,App,84

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 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 petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Shastri
Nagar P.S. Case No. 56 of 2021 registered for the offences



punishable under Sections 461, 379, 427 of the Indian Penal Code.

Briefly stated fact of the prosecution case is that on 01.02.2021 the informant namely Neeraj Kumar who is Branch Manager of Punjab National Bank situated at Raja Bazar, came to know that ATM of said bank situated at AG Colony was damaged by three unknown persons. Hence, the FIR has been registered against unknown.

Learned counsel appearing for the petitioner Anil Kumar Sahani @ Vicky submits that upon confessional statement of co-accused Vivek Kumar, name of present petitioner has been sprang up in the present case which has no legal relevancy in the eyes of law. He further submits that no incriminating article has been recovered from possession of the petitioner. Petitioner has been remanded in this case on 18.08.2021 and since then he is languishing in jail custody. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. Petitioner bears criminal history of five cases. Till date no TIP has been conducted.

Learned counsel appearing for the petitioner Vikash Kumar Gupta @ Vikash Kumar @ Vikash Lal submits



that upon confessional statement of co-accused Vivek Kumar, name of present petitioner has been sprang up in the present case which has no legal relevancy in the eyes of law. He further submits that no incriminating article has been recovered from possession of the petitioner. Petitioner has been remanded in this case on 18.08.2021 from Patliputra P.S. Case No. 154 of 2021 and since then he is languishing in jail custody. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. Petitioner bears criminal history of three cases.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-IV cum A.C.J.M.-IV, Patna in connection with Shastri Nagar P.S. Case No. 56 of 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) Petitioners 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 petitioners tamper 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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