

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15584 of 2022

Arising Out of PS. Case No.-643 Year-2021 Thana- MADHEPURA District- Madhepura

VIVEK KUMAR, Son of Shambhu Yadav Resident of Village - Rahua, Ward
No.- 07, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 643 of 2021 for the offence
punishable under Sections 379 and 356 of the Indian Penal
Code.

As per the allegation made in the F.I.R. while the
informant was standing near the clinic of Dr. P. Tuti clinic, three
unknown motorcycle borne miscreants snatched his mobile and
fled away.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. F.I.R. is against unknown. Nothing has been recovered from conscious possession of the petitioner. Name of the petitioner has surfaced on the basis of confessional statement of one co-accused Manjit Kumar which has no evidentiary value in the eye of law.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made against the petitioner, no recovery has been made from conscious possession of the petitioner and petitioner is in custody since 30.11.2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in connection with Madhepura P.S. Case No. 643 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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