

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21237 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- MURLIGANJ District- Madhepura

Vikash Kumar Son of Indrachand Sharma Resident of Ward No. -07, Village -
Rajpur Sarsandi P.S. - Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Kumar Praveen, learned counsel for the
petitioner as well as Mr. Mritunjay Kumar Nirala, learned
Additional Public Prosecutor for the State through video
conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Murligunj P. S. Case No. 28 of 2021
registered for the offences punishable under Section 392 of the
Indian Penal Code.

As per the prosecution case, it is alleged that while
the informant was returning his home, in the meantime, four



unknown miscreants on two motorcycles came and surrounded him and on the point of pistol snatched his motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation, the name of the petitioner has transpired on the confessional statement of co-accused Vishal Kumar @ Vishal Paswan, who was arrested in connection with Puraini P. S. Case No. 28 of 2021. It is next submitted that in the aforesaid confessional statement the co-accused Vishal Kumar @ Vishal Paswan disclosed the name of eight persons as his associates and out of them some of the co-accused persons have already been granted bail by the learned court below itself. It is next submitted that in fact, no incriminating material has been recovered from the person or possession of this petitioner and though he is in custody since 14.07.2021 but till date he has not been put on T.I.P.. It is lastly submitted that this petitioner is a student of Madhepura College, Madhepura pursuing his Bachelor of Computer Application (B.C.A.) and in support of his submission, the Identity Card of the petitioner has been annexed as annexure 2 to this application.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner has been found involved in two other similar kind of cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of co-accused and moreover, no incriminating material has been recovered from his person or possession and other co-accused persons, having identical allegation has already been granted bail by learned court below, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Madhepura, in connection with Murligunj P. S. Case No. 28 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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