

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22113 of 2022**

Arising Out of PS. Case No.-69 Year-2021 Thana- PATLIPUTRA District- Patna

VIKASH KUMAR GUPTA @ VIKASH KUMAR @ VIKASH LAL Son of
Govindra Sah Resident of Village - Kevadhi, P.S.- Kudra, Distt.- Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Dhari Singh

For the Opposite Party/s : Mr.Arbind Kumar Pandey(App84)

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 20-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under Sections 461, 379 and 511 of the Indian

Penal Code.

As per allegation, accused persons of this case made an

attempt to cut ATM machines by using gas cutter and in doing the

said offence, one co-accused Vivek Kumar was caught hold and other

co-accused persons including the petitioner managed to escape. The

said arrested person disclosed that all accused persons including the

petitioner were involved in cutting ATM machines and on

information provided by arrested accused tools purported to be used

in cutting ATM Machines and some ATM cards were recovered.



The main submissions advanced by the learned counsel for the petitioner are that name of the petitioner surfaced in the confessional statement of co-accused Akhil Kumar Mehriwal and almost same confessional statement was made by another co-accused and thereafter petitioner was arrested and remanded in this case, though against the petitioner three cases are pending but in the said cases, he was remanded after he was arrested in the present case. Further submission is that co-accused Vivek Kumar who disclosed the name of the petitioner has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 42949 of 2021 and other co-accused Akhil Kumar Mehriwal carrying almost similar nature of allegation has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 59778 of 2021.

Learned APP has opposed the prayer for bail.

Heard both sides and perused the FIR as well as seizure list attached with FIR. It appears that recovery of incriminating article is said to have been made from the possession of co-accused Akhil Kumar Mehriwal and petitioner has taken plea that from his possession no incriminating article has been recovered and co-accused Vivek Kumar who disclosed the implicity of the petitioner in the alleged crime has been considered for regular bail.

Considering these facts and mainly co-accused Akhil Kumar Mehriwal who appears to be main accused of the case has been granted bail, accordingly, petitioner deserves the same privilege.



Let the 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 the Addl. Chief Judicial Magistrate XII, Patna in Patliputra P.S Case No. 69 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than criminal cases mentioned at para 3 of the petition of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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