

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22568 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- BHAGALPUR KOTWALI District- Bhagalpur

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Vineet Kumar Son Of Sant Lal Bhagat Resident Of Mohalla -Urdu Bazar,
P.S.- Tatarpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 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 learned APP for the State.

Petitioner seeks regular bail in connection with Kotwali P.S. case no. 91 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

Allegedly three miscreants riding a motorcycle dashed their motorcycle against the informant's bicycle, due to which the informant lost his control and fell down, and thereafter, one of the miscreants took out a pistol and pointed it at him and snatched a bag from the possession of the informant which contained Rs. 3,50,000/- cash and thereafter accused fled away.

The main submissions advanced by learned counsel for the petitioner are that the petitioner is a bright student presently



working as a data analyst and during the investigation he was made accused mainly on the basis of statement of two co-accused persons which have not evidentiary value and petitioner has clean antecedent and languishing in jail since 06.02.2022. Further submission is that after the arrest from the possession of petitioner any incriminating material was not recovered and the petitioner was not put on Test Identification parade by the investigating agency.

Learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR and seizure list and annexure-2 submitted by petitioner. Petitioner is stated to be a young person as mentioned in his petition and he has got no criminal antecedent and he has mainly taken the plea that in respect of his involvement in the alleged crime the prosecution is mainly relying upon the statements of co-accused persons on which basis petitioner has been made accused. Considering these facts and taking into account the petitioner's clean antecedent and his custody period, in my view a lenient approach can be taken in respect of petitioner's prayer 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 concerned Court in connection with Kotwali P.S. case No. 91 of 2022 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) 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 is found then the Court below shall take serious action against him for cancellation of their bail bond.

(Shailendra Singh, J)

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