

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25952 of 2022

Arising Out of PS. Case No.-388 Year-2021 Thana- LALGANJ District- Vaishali

VIKKI KUMAR Son of Shree Bijli Mahto Resident of Village - Turki Tola
Chainpur, P.S. - Turki O.P., Kurhni, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Lalganj P.S. Case No. 388 of 2021, registered for the
offence punishable under Sections 392 of the Indian
Penal Code.

The prosecution case as emerging from the
F.I.R is that petitioner along with his associates had
looted one motorcycle, two mobile phones, two rings of
gold and some other articles from the informant.

The learned counsel for the petitioner submits
that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the petitioner is not named in the FIR. The alleged offence of robbery has been lodged against unknown persons. He also submits that his name emerged only from the confessional statement of the co-accused. He further submits that nothing has been recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 28.10.2021, i.e., for about 12 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the



sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M-IX, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 388 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail



bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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