

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39222 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- BIHPUR District- Bhagalpur

VIKASH KUMAR Son of Sunil Mandal Resident of Village - Pakkisarai,
P.S.- Ghogha, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-01-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Bihpur (Jhandapur) P.S. Case No. 185 of 2020 registered for the offence punishable under Sections 379 of the I.P.C. and later on Section 395 of the I.P.C. was added.

The allegation as per the First Information Report is that some unknown thieves stolen the tractor of the informant while the informant after parking the same on the road side went to attend nature's call.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report and subsequently Section 395 of the I.P.C. has been added on the basis of the re-statement of the informant recorded by the



Investigating Officer in which he has changed earlier prosecution story by stating that six accused persons arrived on their Bolero vehicle and pulled the informant out from his tractor and kept him in the Bolero vehicle and fled away with the informant's tractor. Learned counsel next submits that name of the petitioner transpired on the basis of confessional statement of the petitioner in Industrial P.S. Case No. 48 of 2020. The petitioner was put on T.I. Parade however he was not identified by the informant as stated in paragraph no. 13 of this bail application. Learned counsel next submits that no looted article and / or incriminating material has been recovered from the possession of the petitioner and he is in custody since 22.01.2021. Learned counsel also submits that similarly situated co-accused namely, Gautam Kumar in Cr. Misc. No. 36417 of 2021 and Rahool Kumar Sah in Cr. Misc. No. 33574 of 2021 have been granted bail by this Court.

Regards being had to the submissions made by the parties and taking into consideration the material on record, the fact that no looted article has been recovered from the possession of the petitioner, he is in custody since 22.01.2021, charge-sheet has already been submitted and similarly situated co-accused have been granted bail by this Court, I am inclined



to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Naugachia in connection with Bihpur (Jhandapur) P.S. Case No. 185/2020 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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