

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29170 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- RAFIGANJ District- Aurangabad

Vidyan Kumar S/o Rajendra Mochi @ Rajendra Das R/o Village - Tetarpur,
P.S. - Tekari (Panchanpur), District - Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 401, 413, 414, 34 of the Indian Penal Code.

According to prosecution case, in short is that the informant saw that three persons on two motorcycles were coming and they were stopped by the informant but one person fled away. They did not produce any relevant papers regarding the said motorcycles and further disclosed that the same are stolen. They disclosed the name of the person who fled away from there as Vigyan Kumar (petitioner).



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of confessional statement of co-accused namely, Rajeev Kumar. He further submits that the petitioner was not present at the place of occurrence and he has no concern at all with the alleged stolen motorcycle and except the confessional statement of co-accused no cogent material has come during the investigation against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rafiganj P.S. Case No. 94 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 and shall remain physically present as directed by the court 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. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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