

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44595 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- TRIVENIGANJ District- Supaul

VIVEK KUMAR, S/O BINOD YADAV, R/o village- Kabiya Ward No. 14,
P.S.- Shankarpur, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s: Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Triveniganj P.S. Case No. 349 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 30.01.2021. The petitioner has got 11 criminal antecedents and out of them in one case he has been acquitted and in other nine cases he is on bail.

Learned counsel for the petitioner submits that, as per the prosecution story, some unknown persons looted away the



bag of the informant on the point of pistol in which Rs.250600/- cash and other articles were kept.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing incriminating has been recovered from the possession of the petitioner and till date no TIP has been conducted. It is submitted that the petitioner is in custody in connection with this case since 30.01.2021.

Mr. Akhileshwar Dayal, learned APP for the State has gone through the case diary but save and except the confessional statement of the accused no other material has been pointed out against the petitioner.

Having regard to the uncontroverted submission that save and except the confessional statement of the petitioner extracted in Police custody there is neither any recovery from his possession nor he has been put on T.I.P. though he is in custody since 30.01.2021, this Court has though noticed that the petitioner has got 11 criminal antecedents and out of them in one case he has been acquitted and in other nine cases he is on bail, finding that there is no other material to connect the petitioner, at this stage, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Supaul in connection with Triveniganj P.S. Case No. 349 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Shankarpur police station in the District of Madhepura and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Shankarpur police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

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 steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

