

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45619 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- PATORI District- Samastipur

VIKASH KUMAR, Son of Nishidh Ray @ Kamal Kishor Ray, Resident of
Village - Uttari Dhamoun, P.S. Patory, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 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.
Pranav Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Patory P.S. Case No. 165 of 2021 registered for
the offences punishable under Sections 365, 392 and 412 of the
Indian Penal Code. He is in custody since 19.05.2021. The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant while was on way on his
motorcycle with Simiran Kumari at about 2.30 A.M. in the
night, he was intercepted by three miscreants riding on one



motorcycle and they snatched the informant's mobile and cash of Rs. 10,000/- and also they had taken away Simiran Kumari with themselves. It is further stated that during search the informant came to know that co-accused Raju Rai @ Ramu Rai was caught hold at Bulgani Chowk with a girl at 4.30 A.M. where the informant with villagers reached and recovered Simiran. The apprehended accused disclosed the name of the petitioner and others as his associates. The informant further came to know that co-accused Baidyanath Kumar and this petitioner were apprehended with looted mobile and the motorcycle used in the occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 19.05.2021 having no criminal antecedent.

Learned counsel submits that the name of the petitioner has transpired in the statement of apprehended co-accused Raju Rai @ Ramu Rai. It is further submitted that the informant's version of the alleged occurrence and the statement of the victim girl are at variance.

Mr. Pranav Kumar, learned APP for the State is



present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that so far as this petitioner is concerned, his name has transpired in the statement of apprehended co-accused Raju Rai @ Ramu Rai and further submission that the informant's version of the alleged occurrence and the statement of the victim girl are at variance, the petitioner has got no criminal antecedent, he has remained in custody in connection with this case since 19.05.2021, investigation against him is complete and his presence may be secured in course of trial, 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 Additional Chief Judicial Magistrate-II, Samastipur in connection with Patory P.S. Case No. 165 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.

