

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44781 of 2022

Arising Out of PS. Case No.-810 Year-2020 Thana- SONEPUR District- Saran

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VISHAL KUMAR @ VIKASH KUMAR son of jay prakash Ray Resident of
village - Badurahi, Police Station- Sonapur, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-10-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sonapur P.S. Case No. 810 of 2020 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, some antisocial boys
stopped the informant's vehicle and snatched mobile phones,
gold chain, ring, cash of Rs. 18,000/- and helmet showing fear
of pistol.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.03.2021. Petitioner bears three
criminal antecedents out of which two cases are of similar



nature. Learned counsel further submits that the petitioner is not named in the F.I.R. name of present petitioner has been surfaced on the basis of confessional statement of co-accused Rahul Kumar as mentioned in impugned order. One mobile is alleged to be recovered from the possession of the petitioner for which it is to say that the petitioner purchased second-hand mobile and was unaware about it that the same was stolen/looted one. Except confessional statement of co-accused and and self confessional statement of petitioner, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. has been made till today..

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, District Saran in connection with Sonapur P.S. Case No. 810 of



2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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