

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45814 of 2022

Arising Out of PS. Case No.-226 Year-2019 Thana- DIGHWARA District- Saran

VIVEK KUMAR ALIAS KHESARI KUMAR SON OF VIMAL RAY R/O
VILLAGE- DIWAN TOK TERASIA, P.S.- GANGABRIDGE, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 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
Dighwara P.S. Case No. 226 of 2019 registered for the offences
punishable under Sections 395 of the Indian Penal Code.

As per prosecution case, five unknown persons
came with a Scorpio vehicle and overtook the pickup van of
informant which was loaded with Nerolack paint. Accused
persons showing pistol snatched cash of Rs. 700/-, mobile and
key of the pickup van from the informant. It is further alleged
that accused persons after boarding the informant in Scorpio



started threatening and assaulting the informant thereafter, threw him from the Scorpio.

Learned counsel for the petitioner submits that petitioner is in custody since 13.05.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has been transpired on the basis of confessional statement of co-accused Binod Kumar and Manoj Kumar who were apprehended with the alleged Scorpio and pickup van. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the present petitioner. Co-accused Binod Kumar and Manoj Kumar, who were allegedly apprehended with the alleged vehicle, have already been granted bail vide Cr. Misc. No. 13692 of 2020 and Cr. Misc. No. 15003 of 2020 respectively by co-ordinate bench of this court and the case of present petitioner stands on better footing as nothing has been recovered from the conscious possession of the petitioner.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused persons have already been granted bail by co-ordinate bench of this court, 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, Saran at Chapra in connection with Dighwara P.S. Case No. 226 of 2019, 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)

amitkr/-

U		T	
---	--	---	--

