

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60571 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- BARGAINIA District- Sitamarhi

Vivek Kumar, Son Of Vinay Chaudhary Resident Of Village - Dumarwana,
Ward No.- 06, P.S.- Bairganiya, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-04-2022 Heard Mr. Amit Kumar who is in the office of Mr. Surendra Kumar Mishra on behalf of the petitioner as well as learned APP for the State.

The petitioner is in judicial custody in connection with Bairganiya P.S. Case No. 74 of 2021 registered under Sections 399, 404, 414 of the Indian Penal Code and under Sections 25(1-b)a/26/35 of the Arms Act.

Allegation in the FIR is that the police patrolling team got a confidential information that some accused persons are planning to commit dacoity. Accordingly, they proceeded and intercepted number of accused persons including the petitioner herein and it has been alleged that one steel dagger was recovered from his conscious possession. He was riding a motorcycle driven by accused Manish Kumar who failed to



produce documents relating to the motorcycle. Both of them were arrested.

Learned counsel for the petitioner submits that only because he has criminal antecedents; the police has implicated him in this case, he is innocent and has suffered already by being in judicial custody since 17.04.2021 (as stated in paragraph 12 of the bail application).

In view of the aforesaid facts, as also that charge-sheet has been submitted, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM I/c, Sitamarhi, in connection with Bairganiya P.S. Case No. 74 of 2021, G.R. No. 1743 of 2021 subject to following conditions:

(i) one of the bailors should be the family member of the petitioner and will produce official document to show his bonafide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police



station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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