

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51507 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- AMARPUR District- Banka

VISHAL KUMAR Son of Pankaj Das R/V- Amarpur, Ward No. 5, P.S-
Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. M.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Amarpur P.S. Case No. 139 of 2021 giving rise
to Sessions Trial No. 90 of 2022, for the offences punishable
under Sections 395 and 412 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the
informant alleging therein that on 19.03.2021, while he was
loading sand in the truck at about 03:30 A.M. in the morning, in
the meantime some miscreants armed with *lathy* and pistol



started looting the said vehicle. It is further alleged that this petitioner snatched his black coloured OPPO mobile phone. When he raised alarm, the police came there but other criminals succeeded in fleeing away, however, this petitioner was apprehended at the spot, who disclosed the name of his other associates. On search a country made pistol along with three live cartilage was recovered from his possession.

Learned counsel appearing on behalf of the petitioner that submits that with regard to the recovery of arms and ammunition one another FIR has been instituted bearing Amarapur P.S. Case No. 140 of 2021. So far the present case is concerned, he submits that in fact it is not a case of highway robbery or loot, rather the truck which was being driven by the informant dashed the co-accused Md. Irshad, which infuriated the people of the locality and they started ransacking the truck and in the meantime the police came there and arrested this petitioner. He further submits that so far as the allegation of picking up of the mobile of the truck driver is concerned, the same is palpably incorrect and moreover other co-accused persons whose name have been disclosed by the petitioner, have been granted bail by the learned Co-ordinate Bench of this Court, the copies of which have been annexed as Annexures 2 to



5 of the petition. He lastly submits that the petitioner is languishing in jail since 19.06.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended on the spot and from his possession arms and ammunition were also recovered, apart from the fact that the petitioner is also found involved in other three criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is already complete and the charge-sheet has been submitted and moreover other persons involved in the crime have already been enlarged on bail by learned Co-ordinate Bench of this court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I/Successor court, Banka in connection with Amarpur P.S. Case No. 139 of 2021 giving rise to Sessions Trial No. 90 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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