

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62211 of 2021**

Arising Out of PS. Case No.-379 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Vicky @ Rakesh Kumar S/O Dinesh Singh R/O Village-Mishrauliya, P.S-
Chiraiya, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii
For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Ghorasahan P.S.Case No. 379 of 2020 for the offences
punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
22.09.2020 the informant, who happens to be Manager in
Bharat Finance Inclusion Ltd. Company returning to his branch
after making collection, in the meantime, three unknown
miscreants intercepted the petitioner and looted his vehicle, Tab,
Biometrics, mobile and cash of Rs.1,12,268 on gun point.



It is submitted on behalf of the learned counsel for the petitioner that F.I.R has been instituted against unknown miscreants and the name of the petitioner had figured on the confessional statement of one co-accused Gulu Kumar. It is further submitted that the petitioner is in custody since 28.01.2021 but till date he has not been put on TIP and nothing has been recovered from person or possession of this petitioner. It is next submitted that petitioner was in fact arrested in connection with Chiraiya P.S.Case No. 303 of 2020 and thereafter, he has been remanded in the present case. Counsel for the petitioner lastly submitted that similarly situated, co-accused persons , whose name has also been transpired on the confessional statement of the co-accused Gulu Kumar have already been granted bail by co- ordinate Bench of this Court in Cr. Misc. No.44699 of 2020 vide order dated 25.01.2022.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is not named in the F.I.R nor anything has been recovered from possession of the petitioner. Apart from the fact that petitioner is in custody since 28.01.2021 but till date he has not been put on TIP and



other co-accused persons have already been granted bail by co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sikrahna at Dhaka, East Champaran in connection with Ghorasahan P.S.Case No. 379 of 2020, 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.

(Harish Kumar, J)

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