

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64439 of 2021

Arising Out of PS. Case No.-158 Year-2019 Thana- LALGANJ District- Vaishali

VIVEK KUMAR Son of Tuman Sah Resident of Village - Ghataro
(Chaturbhuj), P.S.- Kartahan, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Lalganj P.S. Case No. 158 of 2019 for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

The prosecution story, in brief, is that theft was committed by unknown persons in the house of the informant in which the miscreants had stolen away jewellerys, other valuables and cash of Rs. 35,000/-.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been



implicated in this case. The F.I.R. is against unknown. Name of the petitioner has surfaced in course of investigation on the basis of statement of villagers. There is no eye witness to the alleged occurrence. Nothing has been recovered from conscious possession of the petitioner. Petitioner is in custody since 31.08.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R., taking into consideration the period of custody and nothing has been recovered from conscious possession or house of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 158 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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