

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64372 of 2021

Arising Out of PS. Case No.-810 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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VIKASH KUMAR SON OF BIRENDRA SAH @ BIRENDRA PATEL, R/O
VILLAGE- NAVRANGABAG WARD NO.-33, P.S.- BETTIAH TOWN,
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

2 12-01-2022

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 461 and 379 of the Indian
Penal Code and later on Sections 411, 413 and 414 of the
Indian Penal Code were also added.

Earlier also, petitioner had moved this Court for grant
of regular bail which was rejected vide Annexure 1 with liberty
to the petitioner to renew his prayer for bail after framing of
charges.

FIR has been lodged by shop-owner against unknown
thieves alleging that 66 pieces of smartphone amounting to
Rs.7,70,000/- and mobile accessories worth Rs.50,000/- have
been stolen from his shop in the night of 18.12.2020.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case only on the basis of suspicion and no stolen article has been recovered from his possession and so-called recovered articles has never been put on TIP to be identified by the informant. Charges has been framed against the petitioner on 30.09.2021. Similarly placed co-accused Noor Mohammad Khan @ Noor Md. Khan has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2021 passed in Cr. Misc. No.27910 of 2021. Petitioner is in custody since 22.12.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sessions Trial No.379 of 2021 arising out of Bettiah Town P.S. Case no. 810 of 2020, with 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 and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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.

(S. Kumar, J)

Sanjay/-

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