

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65304 of 2021

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

Vikash Kumar s/o Genhari Yadav R/o Village - Champapur, P.S. -
Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr . Ashok Kumar Singh, Adv

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2022 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 Barh P.S.Case No. 550 of 2019 for the offences punishable
under Sections 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
11.11.2019 at about 9.30 pm, while the informant being driver
of the pick-up-van bearing Registration no. BR01GH8839 was
proceeded from Patna towards Banka, Naugachiya and
Bhagalpur with loaded goods of Blue Dart and Raj Express
worth Rs. 15 lacs. In the meantime, 10 to 12 persons over took
the pick -up-van of the informant, and all the accused persons



who, were aged about 20 to 30 years having pistol in hand, forcibly, took the informant in their Scorpio on gun point and tied his hands and legs and they left him in Gonama Chaur after snatching Rs. 920 and mobile. It is further alleged that on the way to Barh, he found his pick-up van but goods were missing.

It is submitted on behalf of the learned counsel for the petitioner that petitioner is not named in the F.I.R and F.I.R. has been instituted against unknown person. It is further submitted that the name of the petitioner has transpired on the confessional statement of co-accused Ashlok Yadav @ Ishlok Kumar, who has already been granted bail by a Bench of this Hon'ble Court vide order dated 15.11.2021 in Cr. Misc. No. 19642 of 2021. It is next submitted that though the petitioner is in custody since 07.12.2020 but till date he has not been put on TIP and moreover, no incriminating material has been recovered from person and possession of this petitioner. It is also submitted that only because of the fact that petitioner has several criminal antecedents his name is being implicated in all such type of cases.

On the other hand, learned counsel for the State submitted that the name of the petitioner has come on the confessional statement but he has been found involved in 19



other cases and as such he does not deserve bail.

Having heard the rival contentions of the parties and taking into consideration the fact that name of the petitioner has come on the confessional statement of co-accused and he is in custody since 07.12.2020 but till date he has not been put on TIP and further, there is no recovery from the person and possession of this petitioner and charge sheet has already been submitted much earlier apart from the fact that the accused on whose confession, the name of the petitioner has come in this case, has already been granted bail by a 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-I Barh, Patna in connection with Barh P.S.Case No. 550 of 2019, 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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