

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3711 of 2023

Arising Out of PS. Case No.-343 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Vivek Singh @ Vivek Kumar Son of Late Gorakh Singh R/v- Makari
Mahuawa, P.S.- Piprakothi , District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

3. Petitioner seeks bail who is in custody since 27.06.2022 in connection with Piprakothi P.S. Case No. 343 of 2020, F.I.R. dated 08.10.2020 for the offences punishable under Sections 392 and 412 of the Indian Penal Code.

4. According to prosecution case, three miscreants intercepted the informant and on the point of gun they looted away the motorcycle. After that, one person fled away and two persons were apprehended and they disclosed the name of the petitioner.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case only on the basis of the disclosure made by co-accused persons, namely, Ganesh Sah and Ritesh Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ganesh Sah @ Ganesh Kumar Jaiswal who disclosed the name of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc. No. 19503 of 2021 and another co-accused, namely, Ritesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 26.10.2021 passed in Cr. Misc. No. 19289 of 2021. The petitioner is in custody since 27.06.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 15 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the 15 cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Piprakothi P.S. Case No. 343 of 2020, subject to the following conditions:-

i. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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