

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8096 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- DELHA District- Gaya

Vicky Kumar @ Toto, Son of Late Mahendra Chaudhary R/v- Vijay Bigha,
P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Delha
P. S. Case No. 77 of 2022, registered for the offences
punishable under Section 392 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 15.03.2022 at about 01.10 A.M., when the
informant was returning to his quarter after finishing of his
duty and when he reached near Devi Mandir, Kharkhura,
four persons surrounded him and snatched his mobile and
purse at the point of pistol.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither named in the F.I.R. nor any incriminating article has been recovered from his conscious possession. He also submits that petitioner was not arrested on the spot and his name transpired only in the confessional statement of one of the co-accused. He further submits that no Test Identification Parade has yet been conducted. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 14.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present matter.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Shikha Sharma, Judicial Magistrate, 1st Class, Gaya, in connection with ... on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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