

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12497 of 2023

Arising Out of PS. Case No.-247 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Vikky Kumar @ Aarabh Srivastava S/O Rajesh Prasad @ Rajesh Kumar
Resident of Village- Mahaicha, P.S.- Uchkagaon, District- Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 18.09.2021 in connection with Sidhwalia P.S.Case No.247 of 2021, F.I.R.dated 24.07.2021 registered for the offence under Section 392 of the Indian Penal Code.

3. As per the prosecution case, four miscreants got the tank of their vehicle full and also snatched Rs. 23,133/- from the persons manning on a petrol pump.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person and except the confessional statement of co-accused person, no



other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused persons, namely, Pintu Pandey @ Pintu Kumar Pandey, Ujjawal Kumar and Rohit Ram have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 23.08.2022, 16.12.2022 and 07.07.2023 passed in Cr. Misc. Nos. 26259 of 2022, 56072 of 2022 and 31760 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.09.2021.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and apart from the aforesaid, the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts and period of custody, 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 learned



Judicial Magistrate 1st Class, Gopalganj in connection with Sidhwalia P.S.Case No.247 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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