

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11845 of 2022**

Arising Out of PS. Case No.-67 Year-2021 Thana- SHASTRINAGAR District- Patna

VIVEK KUMAR @ VIPIN SON OF NAGENDRA SINGH R/O-  
BRAHAMPUR BAJAR, VINAYAK NAGAR, NEAR BOARING, P.S.-  
BEUR, DISTRICT- PATNA, NATIVE VILLAGE- DUDHIYA, P.S.-  
DIGHAWARA, DISTRICT- SARAN, PIN CODE-801503

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, C.G.C.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

4      02-01-2023                      Heard the learned counsel for the  
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Shashtri Nagar P.S. Case No. 67 of 2021 for the offence registered under Section 392 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 04.02.2021 at about 11:00 P.M. while the informant was returning back, three unknown miscreants riding on a motorcycle had dashed the motorcycle of the informant from behind resulting in the informant falling down, whereafter, the said miscreants on pistol point had snatched wallet,



mobile and the motorcycle of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 22.04.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other criminal cases but he is on bail in the said three cases. It is also submitted that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail and has, by referring to paragraph no. 17 of the case diary, submitted that the looted motorcycle has been recovered from the possession of the petitioner, hence complicity of the petitioner is writ large in the alleged crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as



also considering the materials available in the case diary, this Court finds that the looted motorcycle has been recovered from the possession of the petitioner, hence though I am not inclined to grant bail to the petitioner, at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court, subject to such conditions, as may be deemed fit and proper to be imposed by the learned Court of A.C.J.M.-IVth, Patna/concerned Court in connection with Shastri Nagar P.S. Case No. 67 of 2021.

The petition stands disposed off with the aforesaid observations and directions.

**(Mohit Kumar Shah, J)**

S.Sb/Saurav-

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