

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13051 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SIMRI District- Darbhanga

VIJAY KUMAR @ DRIVER VIJAY KUMAR Son of Shyam Babu Sahni
Resident of Village - Bishunpur Patti, P.S.- Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 02.12.2022, in connection with Simri (Darbhanga) P.S. Case No. 235 of 2022, F.I.R. dated 01.12.2022 registered for the offences punishable under Sections 398, 399, 402, 420/120B of the Indian Penal Code and Sections 25(1-b) a, 26, 35 of the Arms Act.

3. Allegation against the petitioner is of committing road robbery.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner only mobile



phone which belonged to the petitioner has been recovered from the possession of the petitioner and arms has been recovered from the other co-accused person who was apprehended along with the petitioner and as per vehicle in question is concerned, the State has filed the detailed counter affidavit in which he has categorically stated that the vehicle in question belonged to the uncle of the petitioner and the same was used by the petitioner in commission of crime. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner was arrested along with other co-accused along with the vehicle in question and the same belonged to the uncle of the petitioner and apart from the aforesaid, the petitioner carries one more case other than the present one in which he is on bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Simri



(Darbhanga) P.S. Case No. 235 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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