

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13877 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- TISIAUTA District- Vaishali

Vikash Kumar @ Bihari Son Of Pramod Rai Resident Of Village- Simarbara,
Ps- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Nibash Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
09.11.2022, in connection with Tisiauta P.S. Case No. 56 of
2022, F.I.R. dated 28.05.2022 registered for the offences
punishable under Section 394/34 of the Indian Penal Code.

As per the prosecution case, the informant alleged that
his truck loaded with iron rods (saria) worth Rs. 8,54,556/- was
looted by three unknown miscreants aged between 16 and 27
years on the point of pistol.

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 the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired



only on the basis of confessional statement of co-accused person namely Pramod Rai. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused Pramod Rai who has taken the name of the petitioner in his confessional statement has been granted bail by a Coordinate Bench of this court vide order dated 17.04.2023 passed in Cr. Misc. No. 68986 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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



Additional Chief Judicial Magistrate XVI, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 56 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)

Ibrar//-

U		T	
---	--	---	--

