

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13477 of 2023

Arising Out of PS. Case No.-76 Year-2018 Thana- KATHAIYA District- Muzaffarpur

VIKASH KUMAR S/O RAMNARESH SINGH R/v- Repura, P.S.- Saraiya,
(Jaintpur O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.09.2022 in connection with Kathaiya P.S. Case No. 76/2018,
corresponding to G.R. No.1005/2018, dated 11.04.2018, for the
offence punishable under Section 394 of the IPC.

3. Informant in his written complaint has alleged that
while he was going on his motorcycle to distribute mobiles at
about 1:30 pm he was intercepted by three motorcycle borne
miscreants who snatched away his 20 mobile phones and Rs.
20,000/- from his possession. FIR is against unknown.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The



name of the petitioner has been transpired on the basis of identification by the informant and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Even the informant has not stated anything that who fired upon the informant and nothing has been recovered from conscious possession of the petitioner. He further submits that the petitioner has been remanded in the present case from Kathaiya P.S. Case No.258/2018 on 20.09.2022. He further submits that co-accused persons, namely, Devendra Kumar @ Gautam and Deep Ranjan Kumar @ Radhey Shyam have been granted bail by a co-ordinate Bench of this Court vide order dated 21.02.2019 & 23.04.2019 passed in Cr. Misc. No. 3451/2019 & 26699/2019 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the injury report of the informant suggests that the injured sustained one entry wound and one exit wound and the informant has also identified the petitioner but fairly submits that the informant has not identified in T.I.P.



Apart from that the petitioner has carried three criminal antecedent other than the present one but as per para-3 of the bail petition, the petitioner is on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, 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 the learned A.C.J.M.-II, West Muzaffarpur in connection with Kathaiya P.S. Case No. 76/2018, GR. No. 1005/2018, 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 witnesses, 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 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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