

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23619 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- SIMRI District- Darbhanga

VIJAY KUMAR @ VIJAY KUMAR DRIVER S/O- SHYAMBABU SAHNI
Village- Vishunpatti Ps- Sahebganj Dist- 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. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
02.12.2022 in connection with Simri P.S. Case No. 233 of 2022,
F.I.R. dated 29.11.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

3. According to prosecution case, petitioner has been
apprehended in pursuance to the CCTV footage so obtained
from the Maithy toll plaza and I-20 car was intercepted by the
police in pursuance to the input so obtained from CCTV footage
and the petitioner was apprehended therefore. On search of said
car in question, a loaded pistol, the mobiles so looted from the
informant, money, keys of motorcycle, knife and several other
articles have been recovered.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner which was recorded in Simri P.S. Case No.235 of 2022 in which the petitioner has confessed his guilt in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.12.2022.

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

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 Judicial



Magistrate-I, Darbhanga in connection with Simri P.S. Case
No. 233 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 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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