

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26787 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Vikash Kumar @ Vikash Kumar @ Dhiru Son Of Shiv Shankar Ray @
Shivshankar Rai R/O Village- Rampur Keshopatti, P.S.- Muffasil, District-
Samastipur 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.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
23.12.2022 in connection with Bibhutipur P.S. Case No. 405 of
2022, F.I.R. dated 21.10.2022 registered for the offence
punishable under Section 395 of IPC.

The present FIR has been lodged on the basis of a
written application presented by Bank Manager of Bandhan
Bank stating therein that on 20.10.2022 when he was working in
the Bank then eight persons entered into the Bank and showing
arms they have compelled the employees to open the Bank
locker and taken away Rs.2,35,757/-.The informant has
protested then they have assaulted him on his head and his head
got fractured. They have also damaged two cameras and other
instruments.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Vikash Kumar. Further submits that one mobile phone and Rs.1500/- was recovered from possession of the petitioner. Learned counsel for the petitioner submits that the same is not the looted article and there is non-compliance of the Section 100 of Cr.P.C. and except the confessional statement of co-accused person, namely, Vikash Kumar, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the aforesaid fact, 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 learned Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 405 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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