

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30754 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- KORMA District- Sheikhpura

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VIVEK KUMAR S/O SURESH PRASAD @ SURESH MAHTO Resident of
village- Chande, P.S.-Korma, District-Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
01.03.2023 in connection with Korma P.S. Case No.37/2022,
dated 21.04.2022, for the offences punishable under Sections
392 of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused persons are alleged to have looted away
Rs. 34471/- from the pocket of the informant and a mobile,
which the informant was going to deliver.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case merely
on the basis of suspicion. He further submits that from bare
perusal of the F.I.R., it appears that the alleged date of



occurrence is 24.03.2022 but the present F.I.R. has been instituted on 21.04.2022, after delay of about four weeks, without giving any explanation of delay. He further submits that except suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that 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 Smt. Ritu Kumari, J.M.1st Class, Sheikhpura in connection with Korma P.S. Case No.37/2022, 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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