

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31236 of 2022

Arising Out of PS. Case No.-81 Year-2019 Thana- BARBIGHA District- Sheikhpura

Vinit Kumar Son of Satish Prasad Resident of village Jahana, P.S. Bind,
District - Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-01-2023 Heard Mr. Pankaj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Gauri Shankar Gupta,
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Barbiga (Mission O.P) P.S. Case No. 81 of
2019, registered for the offences punishable under Sections 392
and 411 of the Indian Penal Code.

The prosecution case is based on a written report
alleging therein that while the informant was returning on his
motorcycle, in the meantime, four persons coming on two
motorcycles overtook his motorcycle and, on the point of pistol,
robbed away Rs. 2 lacs and the mobile phone.

Learned counsel appearing on behalf of the petitioner
submits that the FIR has been instituted against four unknown



accused persons. He further submits that the name of the petitioner has surfaced on the confessional statement of co-accused Sarvottam Kumar, who has already been allowed privilege of bail by a learned co-ordinate Bench of this Court in Criminal Miscellaneous No. 30207 of 2020 vide order dated 11.08.2021. He further submits that though the petitioner is in custody since 06.05.2022, till date he has not put on Test Identification Parade. Moreover, no incriminating material has been recovered from his person or possession. He next submits that one another co-accused person, having similar allegation has also been allowed privilege of bail by a learned co-ordinate Bench of this Court in Criminal Miscellaneous No. 76499 of 2019, however, the petitioner only on account of having one criminal antecedent in connection with Sare P.S. Case No. 37 of 2019 has been made accused and put behind the bar.

On the other hand, learned counsel for the State opposed the prayer for bail of the petitioner, however, he does not confront the situation that other co-accused persons have been allowed bail by the learned co-ordinate Benches of this Court.

Regard being had to the submissions made on behalf of the parties and considering the fact that the co-accused person



on whose confession, the name of the petitioner has transpired, has already been allowed the privilege of bail and till date the petitioner has not been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Sheikhpura in connection with Barbigha (Mission O.P.) P.S. Case No. 81 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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