

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33319 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- HASPURA District- Aurangabad

VIKASH KUMAR @ PADWA Son of Vijay Yadav @ Vijay Prasad Resident
of village - Kodihara, P.S. - Masaudhi, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mrs.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Haspura P.S. Case No. 52 of 2022 registered for the offences
punishable under Sections 392, 411 of the Indian Penal Code.

As per prosecution case, truck of informant's
brother which was laden with 500 bags of rice each containing
50 kg rice had been parked on road. Meanwhile some unknown
miscreants came on a DCM truck and three of them entered into
the cabin of truck of informant's brother and on the gun point
miscreants snatched key of the truck. It is further alleged that
one miscreant had been sitting on the driver seat of DCM truck.
It is further alleged that miscreants tied the informant with
Gamcha and rope. Thereafter, miscreants took away the truck of



informant' brother alongwith the informant who was working as khalasi of said truck. It is further alleged that in the way miscreants dropped the informant. Thereafter, informant with the help of police chased the miscreants. When the miscreants came to know that police was chasing them they left the truck laden with rice and tried to flee away but police apprehended one miscreant. After that police again chased the DCM truck, upon which, two miscreants left the DCM truck and tried to flee away but police apprehended one miscreant. On inquiry, apprehended persons disclosed their name as Rajnikant @ Chhote and Manish Kumar and they disclosed the name of petitioner and other who fled away from the place of occurrence. It is further alleged that mobile of the informant was also taken away by the miscreants.

Learned counsel for the petitioner submits that petitioner is in custody since 28.02.2022 and bears criminal antecedent of one case which is not similar to the present case. He further submits that petitioner is not apprehended on the spot but on account of enmity apprehended co-accused implicated the present petitioner in the present case. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has not been put on TIP. There is nothing



on record to connect the present petitioner with the alleged occurrence. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar (Aurangabad) in connection with Haspura P.S. Case No. 52 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

