

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35423 of 2023

Arising Out of PS. Case No.-576 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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VICKEY SAH @ VIKKI SAH @ VIKKI KUMAR Son of Chandra Shekhar
Sah @ Chandra Sekhar Sah R/o vill - Gopalpur, P.S. - Cheriya Bariyarpur,
Distt. - Begusarai Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 395 and 397
of the Indian Penal Code.

It is a case of dacoity. Two miscreants entered into the
jewellery shop of the informant and on pistol point, they have
looted the ornaments and several mobile phones and fled away
by motorcycle.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. Neither
the petitioner is named in the FIR not put on TIP. Due to
previous enmity, co-accused Ravi Kumar @ Sunny took the
name of the petitioner as one of his associates before the police,
which has no evidentiary value in the eye of law. Thereafter,



police raided the jewellery shop of petitioner's father running in the name of Sanju Jewellers. There was no specific mark of identification of looted ornaments so no one can claim the ornaments recovered from the shop of the petitioner is looted property. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner has got no criminal antecedent and languishing in judicial custody since 16.12.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Samastipur in connection with Samastipur Mufassil PS Case No. 576 of 2022.

(Sunil Kumar Panwar, J)

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