

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42038 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

VIKKI KUMAR @ BIKI KUMAR S/O BIRENDRA SAHNI @ BIRENDRA
SAHANI R/O Village. Dinanathpur, Patelia, PS. Bibhutipur, Dist. Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seek bail in connection with
Tariyani P.S. Case No. 20 of 2023 registered for the offences
punishable under Sections 414, 419, 420, 120B of the Indian Penal
Code.

3. As per prosecution case, on 05.02.2023 at about
2:45 P.M., the informant -cum- S.H.O. was on patrolling duty and
he found one white coloured Sumo Gold parked near the house of
one Bigan Ram, where one person was repairing the aforesaid
vehicle and after seeing the police the said person started running
but he was apprehended by police. It is further alleged that on
interrogation it was found that the alleged vehicle had fake
registration number.



4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired upon the confessional statement of co-accused Prahlad Rai. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the allege occurrence. He further submits that co-accused Prahlad Rai upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 36972 of 2023 and the case of the present petitioner stands on better footing in the light of the fact that petitioner is not named in F.I.R.. He further submits that petitioner is in custody since 29.03.2023 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has falsely been implicated in the present case. He further submits that petitioner is not apprehended on the spot and nothing has been recovered from the possession of the petitioner.

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

6. 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, co-accused has already been granted bail by the Co-ordinate Bench of this Court, 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 Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 20 of 2023, 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 tamper 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)

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