

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38520 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

VIKASH KUMAR PASWAN SON OF ACHHELAL PASWAN VILL
MANOHAR CHHAPRA, PS- KESHARIYA, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil
P.S. Case No.113 of 2023, G.R. No. 884 of 2023 registered for the
offences punishable under Section 392 of the IPC.

As per prosecution case, miscreants on the point of
pistol snatched mobile and Rs. 25,000/- in cash from informant's
pocket and fled away on two motorcycles. FIR has been lodged
against three unknown miscreants.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and on the call of I.O. petitioner
went to concerned police station and petitioner was apprehended at
that police station which has been mentioned in para 11 of the bail
petition. He further submits that petitioner is in custody since



15.05.2023 and bears no criminal antecedent. He further submits that alleged mobile in question which was recovered from his possession was purchased from Dheeraj Kumar and he had no knowledge that alleged mobile was stolen one. He further submits that petitioner is quite innocent and committed no offence as alleged in the FIR.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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, Motihari, East Champaran in connection with Muffasil P.S. Case No. 113 of 2023, G.R. Case No. 884 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 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the investigation is pending, in that event the petitioner will co-operate in the investigation and he will make himself available whenever police/investigation officer requires his presence and he will not in any manner contact or influence the informant or any other witness.

(v) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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