

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39861 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- DHANAHAN District- West Champaran

Vikash Kumar @ Vikash Ram Son of Late Mohan Ram @ Mohan Prasad
Resident of village - Vishunpura Tola - Gardi Chak, P.S.- Bankata, District -
Deoria (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.04.2023 in connection with Dhanaha P.S. Case No. 89 of
2022, F.I.R. dated 15.04.2022 for the offences punishable under
Sections 395/120B of the Indian Penal Code and Section 27 of
the Arms Act.

3. According to prosecution case, six miscreants on
two motorcycle came to the jewelry shop of the informant and
looted gold and silver ornaments of Rs. 12 lakh.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Ashwani Kumar Bharti and nothing has been recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ashwani Kumar Bharti who has confessed the name of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2023 passed in Cr. Misc. No. 43105 of 2022, co-accused, namely, Raju Ram @ Raju Prasad has been granted bail by a co-ordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 41673 of 2023 and co-accused, namely, Anurag Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 38118 of 2023. The petitioner is in custody since 05.04.2023.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate iii, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 89 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that 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 step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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