

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46774 of 2023**

Arising Out of PS. Case No.-639 Year-2022 Thana- WAJIRGANJ District- Gaya

ANIKIT KUMAR S/O SANTOSH SHARMA R/O VILLAGE-  
SHEKHWARA, PS. MAGADH UNIVERSITY (M.U.), DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manindra Kishore Singh, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 545 of 2023 arising out of Wazirganj P.S. Case No. 639 of 2022 registered for the offence under Sections 395 and 397 of the Indian Penal Code.

According to the F.I.R, the petitioner along with co-accused hired informant's vehicle on rent and when they reached on a dislocated place they told to stop the vehicle and on the point of pistol they blinded black Gamchha on the eye of the informant and got down him from the vehicle and fled away after taking the vehicle.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Shyamdeo Paswan and Ritik Paswan. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and the T.I.P. has not been conducted by the prosecution as per the provision prescribed under the law. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Rakesh Kumar @ Rocky having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 33765 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional



Sessions Judge-II, Gaya in connection with S.T. No. 545 of 2023 arising out of Wazirganj P.S. Case No. 639 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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