

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49127 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Vikash Gaur @ Vikash Gond S/O Suresh Gaur R/O Village- Tetariya, P.S.
Vijeaapur, Dist. Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 10.06.2022, in connection with Sessions Trial No. 613 of 2022 arising out of Bhagwan Bazar P.S. Case No. 158 of 2022, F.I.R. dated 28.03.2022 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 confessional statement of co-accused persons namely Subhas and Raju Pal. He



further submits that nothing has been recovered from the possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that the said co-accused namely Shubham Singh @ Pahalwan has been granted bail by this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 72857 of 2022, another co-accused person namely Raju Kumar @ Raju Kumar Ram has been granted bail by this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 63334 of 2022 and other co-accused persons have been granted bail by a different Benches of Coordinate Bench of this Court. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.06.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that three co-accused persons have been named in the present occurrence and apart from that the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in one case.

6. Considering the facts and circumstances of the case and the period of custody, 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 Additional Sessions Judge-XII, Saran at Chapra in connection with Sessions Trial No. 613 of 2022 arising out of Bhagwan Bazar P.S. Case No. 158 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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