

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49928 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- NARPATGANJ District- Araria

Vivek Kumar @ Vivek Kumar Ram @ Vivek Devraj S/o Navin Kumar Das
R/o village- Khair Khan, P.S.- Farbisganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 14-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order filing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Narpatganj P.S. Case No. 53 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant was looted on brandishing a gun at him by two unknown persons and two other persons also arrived at the alleged place and looted a cash of Rs. 4,20,000/- from the informant.

The main submissions advanced by the learned



counsel Mr. Rakesh Kumar Sharma for the petitioner is that during investigation the petitioner's role in the alleged crime surfaced in the statement of co-accused Deepak Mandal and the said statement was given before the police which has no evidentiary value and after petitioner's arrest in the present case no test identification parade was conducted and recovery of any looted money was not made from the possession of the petitioner and accordingly there is no legal evidence against the petitioner to connect him to the alleged crime except the said confessional statement and criminal antecedents of the petitioner.

Learned APP Dr. Indihar Kumari appearing for the State has opposed the bail prayer, but fairly accepted that against the petitioner there is no material except his criminal antecedents and confessional statement of co-accused persons showing his involvement in the alleged crime.

Having considered the above submissions and the petitioner's plea that there is no material except the confessional statement of co-accused against him which has not been refuted by learned APP and after petitioner's arrest in the present matter, no TIP was conducted by the police and there is no allegation of recovery of any looted money from the possession



of this petitioner, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the 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 the concerned Court in connection with Narpatganj P.S. Case No. 53 of 2022.

(Shailendra Singh, J)

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