

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56682 of 2023

Arising Out of PS. Case No.-209 Year-2019 Thana- BAKHTIYARPUR District- Patna

RAVI MALLICK @ RAVI MALLIK SON OF SIKANDER MALLICK @
SIKENDER MALLIK RESIDENT OF VILLAGE - NAYATOLA,
RAGHOPUR, P.S. - BAKHTIYARPUR, DISTRICT - PATNA
... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is an accused in connection with Bakhtiyarpur P.S. Case No. 209 of 2019 registered for the offences under section 394 of the Indian Penal Code lodged on 27.06.2019 by the informant, Rohit Kumar Malviya.

As per the prosecution story, the petitioner is posted at one of the branch of the Bandhan Bank at Bakhtiyarpur. While returning, allegation is that the accused persons snatched his bag containing Rs. 1,70,475/- as also the register and other articles. Accordingly, the FIR.

Subsequently, the local villagers apprehended one person Vikia Kumar @ Vikky Kumar who cried for help and then one accused named Suraya, turned and opened fire which resulted into the apprehended persons also escaping.

It has been submitted by learned Counsel for the petitioner that subsequently those two named persons were



apprehended and on their confession, the petitioner was taken into custody but no T.I.Parade conducted. The further submission is that both Vikia Kumar @ Vikky Kumar and Suraj Madhopur @ Suraj Kumar @ Suraj Kumar Yadav have since been granted bail by co-ordinate benches in Cr. Misc. No. 63161 of 2019 and Cr. Misc. No. 3099 of 2020 respectively.

Learned APP for the State, on the other hand, has pointed out that the matter is of 2019 and the petitioner evaded arrest for four long years and he has criminal antecedent.

Taking into account the aforesaid facts as also that his name has come in the confessional statement, no T.I.Parade has been conducted, the other co-accuseds have been granted bail though in 2019 and 2020, this Court is inclined to extend him privilege of bail but only after framing of the charges in view of the fact that he delayed arrest for four long years and further he has criminal antecedent.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 209 of 2019, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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