

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52504 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- SURSAND District- Sitamarhi

VIVEK KUMAR S/o Nagendra Mandal R/o Village- Sonbarsa, P.S.-
Sonbarsa, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Sursand PS case no. 522 of 2021 instituted for the offences punishable under Sections 395, 397 of the Indian Penal Code and Sections 3/4 of Explosive Act.

The allegation is regarding unknown miscreants having entered into the house of the informant, whereafter they had assaulted the informant and his family members and had then decamped with cash amount, ornaments etc.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 24.01.2022. The learned counsel for the petitioner has further submitted that the



petitioner has been falsely implicated in the present case only on account of his bad antecedent, however, the fact is that his name has transpired in the present case upon the confessional statement made by the co-accused person namely Bhola Sah. It is also submitted that neither any test identification parade has been conducted so as to connect the petitioner with the alleged crime nor any stolen article/ cash amount has been recovered from the possession of the petitioner, hence, the petitioner has got no complicity in the matter. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 02.11.2022, passed in Cr. Misc. no. 35369 of 2022 and the one dated 12.01.2023, passed in Cr. Misc. no. 25162 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to



be released on regular bail on furnishing bail bond of Rs. 10,000/-
(Rs. Ten thousand) with two sureties of the like amount each to the
satisfaction of learned court of Judicial Magistrate-1st class, Pupri,
Sitamarhi in connection with Sursand PS case no. 522 of 2021.

(Mohit Kumar Shah, J)

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