

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57150 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- FATUA District- Patna

Vikash Kumar S/O Suresh Yadav Resident of village- Champatpur, P.S.-
Bakhityarpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 394 of the Indian Penal Code
and later on Sections 395, 412 and 120(B) of the Indian Penal
Code were added.

According to prosecution case, the petitioner along
with other accused persons stolen the truck, mobile phone and
Rs. 5,000/- cash of the informant on gun point and assaulted the
informant due to which he sustained injuries.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been 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 on the basis of the confessional statement of the co-accused person, namely, Ranjeet Kumar. He further submits that till date no T.I.P. has been conducted by the prosecution. He further submits that no incriminating article has been recovered from the possession of the petitioner. He further submits that except the confessional statement of the co-accused person and the self confessional statement of the petitioner, no other cogent material has come against the petitioner. He further submits that police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Fathua P.S. Case No. 201 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 witnesses, 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 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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