

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42995 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- BIHTA District- Patna

Vishal Kumar @ Alok Raj @ Nawab Son Of Jitendra Kumar R/O
Makhdumpur, Sarari, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63126 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- BIHTA District- Patna

KRISHNA KUMAR @ RAHUL KUMAR Son of Late Anil Rai @ Anil
Kumar @ Anil Kumar Sharma Resident of Bhagwatipur, P.S.- Shahpur, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64190 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- BIHTA District- Patna

PANKAJ KUMAR Son of Ravish Rai R/V- Adampur, P.S- Danapur, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42995 of 2022)

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Mr. Syed Ehteshamuddin

(In CRIMINAL MISCELLANEOUS No. 63126 of 2022)

For the Petitioner/s : Mr. Saket Anand

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

(In CRIMINAL MISCELLANEOUS No. 64190 of 2022)

For the Petitioner/s : Ms. Shweta Kumari

For the Opposite Party/s : Mr. Murli Dhar



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 15-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Sessions Trial No. 428 of 2022 arising out of Bihta P.S. Case No. 588 of 2021, registered for the offences punishable under Sections 396, 397 and 307 of Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is that the petitioners and their associates had assaulted the informant and also looted the cash and some gold ornaments from the shop, namely, "Maa Vidhyaswani Jewellers".

Ld. counsel for the petitioners, namely, Vishal Kumar and Krishna Kumar submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the petitioners are not named in the FIR and nothing has been recovered from the conscious possession of the petitioners. They also submit that no TIP has been conducted by the Police till date. They further submit that investigation in this case is complete and charge-



sheet has already been submitted but charge has not been framed till date.

However, Ld. counsel for the petitioner/Pankaj Kumar submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that the petitioner is not named in the FIR and even TIP has not been conducted by the police till date. She also submits that though the Police has shown recovery of looted articles from the possession of the petitioner, these articles are really not those articles which were looted during the alleged dacoity. She claims that these so-called recovered articles are not gold but artificial one and there is no description of the looted articles in the FIR and it is very difficult to say that these articles are same which were looted during the occurrence.

They further submit that the petitioner no. 1, petitioner no. 2 and petitioner no. 3 have been languishing in jail since 23.08.2021, 23.12.2021 and 09.12.2021, respectively.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioner, namely, Vishal Kumar has earlier been made accused in one other case whereas the petitioners, namely, Krishna Kumar and Pankaj Kumar have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Sessions Trial No. 428 of 2022 arising out of Bihta P.S. Case No. 588 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when



required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.



Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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