

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61599 of 2023**

Arising Out of PS. Case No.-41 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

Vikash Kumar @ Vikka S/O Jhingo Sharma Resident Of Meerachak, P.S-
Industrial Area, Bhagalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Pd. Karn, Advocate
		Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.05.2023 in connection with Bhagalpur Industrial Area P.S.
Case No. 41 of 2023, F.I.R. dated 07.03.2023 for the offences
punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, five miscreants on
gun point looted one mobile and Rs. 15,000/- cash from the
informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent 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



during investigation on the basis of his previous criminal antecedents. He further submits that one mobile phone was recovered from the possession of the petitioner but the same is not put on T.I.P and even the petitioner was not put on T.I.P as yet. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that one looted mobile phone has been recovered from the possession of the petitioner and apart from that the petitioner carries six criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the six cases.

6. 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 Judicial Magistrate 1st Class, Bhagalpur in connection with Bhagalpur Industrial Area P.S. Case No. 41 of 2023, subject to the following conditions:-

- i. 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.

ii. 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.

iii. 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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