

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57651 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- NTPC District- Patna

VIKASH KUMAR @ VIKASH Son of Devan Yadav Resident of Village-
Dargahi Tola, P.S.- pandarak, District- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with N.T.P.C. PS case no. 38 of 2021 instituted for the offences punishable under Sections 457, 380, 411, 34 of the Indian Penal Code.

The allegation is regarding the co-accused persons namely Pappu Kumar and Ram Babu along with 2-3 unknown persons having entered the house of the informant, whereafter they had committed theft, however, upon alarm being raised, people from neighbourhood had arrived there and apprehended Pappu Kumar, Ram Babu and Nitish Kumar and upon interrogation, they had disclosed that the petitioner and others are their accomplice who had fled away with the stolen



articles.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 09.06.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in two other cases but he is on bail in one of them. It is further submitted that no recovery of the stolen articles has been made from the possession of the petitioner and moreover, the persons apprehended from the spot have already been granted the privilege of bail by the learned trial court.

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, this Court finds that the petitioner has neither been apprehended from the spot nor any stolen articles have been recovered from him, hence, there is minuscule evidence to connect the petitioner with the alleged offence, thus, 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, Barh in connection with N.T.P.C. PS case no. 38 of 2021.

(Mohit Kumar Shah, J)

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