

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60451 of 2022

Arising Out of PS. Case No.-83 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VICKY KUMAR @ VICKY KUMAR S/O SRI MOHAN THAKUR
Resident of village- Bhutani, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Punam Srivastava, Adv
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks' from today.

Heard Ms. Punam Srivastava, learned counsel
appearing on behalf of the petitioner and Mr. Madhura Nand
Jha, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sadar (Muzaffarpur) P.S. Case No. 83 of 2020
registered for the offence punishable under Section 392 of the
Indian Penal Code.

As per prosecution case, it is alleged that on
10.02.2020, while he was going from his Pick-up Van after
loading 17 Fridges of Haier company, in the meantime four



unknown persons came on two motorcycle intercepted and started assaulting him. It is further alleged that accused persons tied his hand and legs and kept him in a lonely place and thereafter fled away with the Pick-up Van. Later on the Pick-up Van was found on the basis of GPS, however, the looted Fridges were found stolen by the miscreants.

Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown miscreants, however, during the course of investigation the police apprehended the petitioner in connection with Bochahan P.S. Case No. 126 of 2020, and from his house three big Fridges and other incriminating materials have been recovered. It is submitted that from the seizure list prepared in connection with Bochahan P.S. Case No. 126 of 2020, neither the place of recovery has been mentioned nor it contains signature of petitioner and his other family members apart from the fact that it has not been disclosed that recovered articles were stolen property of the present case. She also submits that though the petitioner is in custody since 30.05.2022 but till date neither the petitioner nor the recovered articles have been put on TIP. She next submits that so far as Bochahan P.S. Case No. 126 of 2020 is concerned, in the said case, petitioner has already been



allowed bail by the court below itself.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that stolen articles have been recovered from the house of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that alleged recovery has been made from the joint family house of the petitioner, apart from serious lacuna in the seizure list, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Muzaffarpur**, in connection with **Sadar (Muzaffarpur) P.S. Case No. 83 of 2020**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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