

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60264 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

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Vikas Kumar Son of Prakash Poddar R/V/ Mohalla- Naya Gaon Kabragah,
P.S- Jamalpur, Dist- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, 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 Mr. Sanjiv Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ishakchak P.S. Case No. 30 of 2022, registered for the offences punishable under Sections 379, 411 of the Indian Penal Code.

The prosecution case is based on the fardbayan of the informant alleging therein that on 07.02.2022 at about 07:30 PM, in the evening, he had parked his motorcycle at the gate of



his rented house, however, after sometimes he found that his motorcycle was stolen by some unidentified thief. It is also alleged that on the same day the unidentified thief also stolen a tempo from the house of one Md. Shamim.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown thief, however, during the course of investigation one Rohit Kumar was apprehended by the police and on the confession made by the co-accused Rohit Kumar, name of the petitioner has surfaced in the crime. He further submits that in fact only on account of his past two criminal antecedent his name has been implicated in this case by the police personnel. He next submits that neither any incriminating material nor any the stolen motorcycle/tempo has been recovered from his person or possession of the petitioner and moreover the petitioner is in custody since 28.02.2022 and the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of the co-



accused persons and no incriminating material has been recovered from his person or possession, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Mr. P. Chandra learned Judicial Magistrate, 1st Class, Bhagalpur, in connection Ishakchak P.S. Case No. 30 of 2022, 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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