

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60883 of 2022

Arising Out of PS. Case No.-645 Year-2021 Thana- MAHUA District- Vaishali

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Alok Kumar, Son of Mahendra Singh, R/O Village- Milki Fatehpur, P.O.-
Singhara, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, 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, if any, within

a period of four weeks from today.

Heard Mr. Abhay Shankar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mahua P.S. Case No. 645 of 2021 registered for
the offence punishable under Section 392 of the Indian Penal
Code.

As per the prosecution case, it is alleged that on
19.10.2021, while the informant came out from the railway
station, one person came and requested to drop him at Mahua.
On the request, the informant took him in his Alto car, which
belongs to the employer and proceeded to Mahua, in the
meantime, two miscreants intercepted his car on the point of



pistol, snatched his mobile and other valuables and also looted his Alto car and fled away.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against the holder of Mobile No. 7970918831 and two unknown persons. He next submits that though the mobile belongs to the petitioner but the fact is that it has been used by some another person and only on account of he being holder of Mobile No. 7970918831 his name has later on implicated in this case. He next submits that later on his name has transpired on the statement of co-accused Aman Kumar, who committed mischief with his mobile, has been allowed the privilege of bail by this Court in Cr. Misc. No. 13429 of 2022 vide order dated 11.07.2022. He next submits that though the petitioner is in custody since 30.05.2022 but till date he has not been put on Test Identification Parade apart from the fact that other accused, namely, Swet Kumar @ Bagan and Vishwraj Singh @ Dhunn have been granted bail by the learned Court below, itself.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that involvement of the petitioner cannot be ruled out, in view of the materials available on record and, moreover, the petitioner is



found involved in one another case of identical nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither identified nor been put on Test Identification Parade till date and other co-accused persons have been enlarged on the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 645 of 2021, 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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