

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60974 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Vikash Kumar S/O Ram Bilash Mahto R/O Village- Laguniya Raghu Kanth,
Ward No. 10, Ps. Samastipur (Mufassil), Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 23.12.2022, in connection with Sessions Trial No. 250 of 2023 arising out of Bibhutipur P.S. Case No. 405 of 2022, F.I.R. dated 21.10.2022 registered for the offences punishable under Section 395 of the Indian Penal Code but the police after investigation submitted chargesheet against the petitioner under Sections 395, 397 and 412 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 confessional statement of co-accused person namely Vikash Kumar and nothing has been recovered from the conscious possession of the petitioner or the house of the petitioner. He further submits that till date no test identification parade was conducted by the prosecution and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Vikash Kumar who confessed the name of the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 26787 of 2023, another co-accused person namely Rajeew Ranjan Yadav @ Rajiv Kumar @ Neeraj has been granted bail by a Coordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 33009 of 2023, another co-accused person namely Ajeet Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 07.08.2023 passed in Cr. Misc. No. 49427 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.12.2022.



5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of ten cases, petitioner is on bail in eight cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Rosera, Samastipur in connection with Sessions Trial No. 250 of 2023 arising out of Bibhutipur P.S. Case No. 405 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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 antecedents, 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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