

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64581 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. VIKASH KUMAR S/o Bharat Prasad R/o Village- Turkauliya School Chauk, P.S.- Turkauliya, Distt- East Champaran.
2. Vinay Kumar S/o Bharat Prasad R/o Village- Turkauliya School Chauk, P.S.- Turkauliya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 328, 420, 392 and 34 of the Indian Penal Code.

The case relates to commission of loot of 519 tin of palm refine oil loaded on the truck of the informant.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the F.I.R. has been registered against the unknown persons and these petitioners have not been named in the F.I.R. in any manner. He further submits that the name of these petitioners transpired in this case on the



confession of the co-accused, namely, Ranjan Kumar and also on the self confession of the petitioners. He further submits that it has come during the investigation that the recovery has been made from the house of the petitioners but till date no T.I.P. has been conducted by the prosecution. He further submits that similarly situated co-accused, namely, Ranjan Kumar and Ram Mohan Rastogi have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 6679 of 2022 and Cr. Misc. No. 66724 of 2022, respectively and the case of the petitioners stands on better footing. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 27.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Piprakothi P.S. Case No. 215 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, thier bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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