

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69776 of 2023**

Arising Out of PS. Case No.-175 Year-2022 Thana- JADIA District- Supaul

Vikas Kumar @ Vivek Kumar Son of Virendra Mehta R/o Jadiya, ward no. 13, P.S. - Jadiya, Distt. - Supaul, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                          |
|--------------------------|---|----------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Kumar Goutam, Advocate<br>Mr. Somesh Kumar, Advocate |
| For the Opposite Party/s | : | Ms. Veena Kumari Jaiswal, APP                            |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      06-11-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 142 of 2023, arising out of Jadiya P.S. Case No. 175 of 2022 registered on 28.06.2022 for the alleged offences under Sections 413, 414, 120(B) and 34 of the Indian Penal Code.

3. As per the prosecution case, police received a secret information about two stolen motorcycles kept at the house of the co-accused, Abhishek Nirala. A raid was conducted and the stolen motorcycles were seized. The family members of the co-accused, Abhishek Nirala disclosed the name of the petitioner along with other three co-accused persons who had brought



these motorcycles.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case only on the basis of disclosure statement of the family members of co-accused Abhishek Nirala but the names of two such persons have not been made in the F.I.R. It seems the name of the petitioner transpired due to his criminal history as petitioner is accused in altogether eight cases in which he is on bail in seven cases. Nothing incriminating has been recovered from the possession of the petitioner. Similarly placed co-accused Shyam Sunder Kumar has been granted bail vide order dated 01.11.2023 passed in Cr. Misc. No. 68895 of 2023 by a Co-ordinate Bench of this Court. On the other hand, co-accused Abhishek Nirala has been granted bail by learned court below. The petitioner is in custody since 22.11.2022.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that petitioner is habitual offender and is accused in a number of cases of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VII, Supaul in Session Trial No. 142 of 2023, arising out of Jadiya P.S. Case No. 175 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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