

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67952 of 2022

Arising Out of PS. Case No.-288 Year-2015 Thana- RAJIVNAGAR District- Patna

VIKASH KUMAR PANDEY @ VIKASH KUMAR S/o Late Brahmeshwar
Nath Pandey R/o Mohalla- Napali Nagar, P.S.- Rajeev Nagar, Patna- 800025.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Basant Kr. Choudhary, Sr. Advocate
	:	Mr.Arvind Kumar, Advocate
	:	Mr.Shambhu Shankar Thakur, Advocate
For the Opposite Party/s :	:	Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned senior counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Rajeev Nagar P.S. Case No. 288 of 2015, G.R. No. 7191 of 2015 for the offence registered under Sections 147, 148, 323, 341, 385, 387, 427, 428, 447, 448 467, 468 and 504 of the Indian Penal Code.

The case of the prosecution, in brief, is that the sister-in-law of the informant and his friend Krishna Nandan Sahay had purchased a plot at Mohalla Nepali Nagar, P.S. Rajeev Nagar from Jay Prakash Nagar Sahkari Grih Nirman Samiti,



however, the accused persons including the petitioner herein had encroached the land of the informant and when on the alleged date and time of occurrence, the informant and his brother-in-law had come to the said land, they found that the accused persons including the petitioner herein are demolishing the boundary wall in question and on protest being made, the informant was assaulted by the accused persons.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 04.09.2022. The learned senior counsel for the petitioner has further submitted that the petitioner is an accused in 16 other criminal cases, however, he is on bail in 15 of them. It is also submitted that as far as the present case is concerned, the petitioner had applied for grant of anticipatory bail before this Court by filing a petition bearing Criminal Miscellaneous No. 21151 of 2016 and a Co-ordinate Bench of this Court vide order dated



22.03.2017, had granted liberty to the petitioner to surrender before the learned Court below, within a period of six weeks and the learned Court below was directed to dispose off the bail application of the petitioner, preferably on the same day and it was also observed that all the other co-accused persons have been granted the privilege of anticipatory bail. Lastly, the learned senior counsel for the petitioner has submitted that the petitioner undertakes to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail to the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the earlier order passed by a Co-ordinate Bench of this Court dated 22.03.2017, as aforesaid, though, I deem it fit and proper to admit the petitioner to the privilege of



bail, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Patna in connection with Rajeev Nagar P.S. Case No. 288 of 2015, G.R. No. 7191 of 2015.

It is further directed that the petitioner would mark his attendance before the concerned Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week, starting from the day he is released from custody and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

