

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69623 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Vikash Kumar Son Of Ram Bilash Mahto R/O Vill - Laguniya Raghu Kanth,
Ward No. 10, P.S. - Samastipur (Mufassil), Distt. - Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 412 of 2022 lodged under Sections
392 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons against whom the
allegation of robbery is there.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that petitioner's name has figured in this case by virtue of police
who has remanded in the present case and he is in custody since
07.01.2023.

5. Counsel further submits that nothing incriminating



has been recovered from his possession and he was not put on T.I.P. He submits that the only thing against him is that there are 10 criminal cases pending against him, but he is on bail in 8 cases and in rest cases, he is persuading for bail.

6.Counsel further submits that the present case has been lodged under Section 392 of the I.P.C. which is magisterial triable in nature. Counsel also submits that the co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 14.09.2023 passed in Cr. Misc. No. 60791/2023.

7. Learned counsel for the State opposes the prayer for bail and submits that petitioner have 10 criminal antecedents and at the time of granting bail, this aspect may be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No. 412 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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