

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73789 of 2023

Arising Out of PS. Case No.-450 Year-2023 Thana- JAMUI District- Jamui

VIKASH KUMAR SON OF NATHUNI PASWAN @ NATHO PASWAN
RESIDENT OF VILLAGE- GOKHULA, P.S.- SIKANDRA, DISTRICT-
JAMUI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Jamui P.S. Case No. 450 of 2023 registered for the

offences punishable under Section 414 of the Indian

Penal Code.

3. As per prosecution case, on 17.07.2023 the

informant received a secret information that gang of

bike thief has come to Jamui and are planning to steal

motorcycle near Basant Bahar Hotel. Thereafter,

informant along with police team reached there and saw



three boys sitting on two motorcycles. It is further alleged that after seeing the police team three boys tried to escape but they were apprehended by the police who disclosed their name as Prakash Singh, Ram Pravesh Kumar and Chandan Kumar @ Sachitanand Kumar. The miscreants could not produce valid document of said two motorcycles. It is further alleged that co-accused Prakash Singh disclosed that they committed theft of 15-16 motorcycles from Jamui. The miscreants further disclosed that one Glamour motorcycle was kept by co-accused Pappu Kumar and one motorcycle was also kept by petitioner Vikas Kumar and remaining motorcycles were sold in Dhanbad.

4. Learned counsel for the petitioner submits that during course of investigation, police recovered one motorcycle from possession of the petitioner, as same is evident from the impugned order. Petitioner is quite innocent and has not committed any offence and he has falsely been implicated in the present case by the police



in collusion with enemy of the petitioner. Petitioner is in custody since 18.07.2023 and bears no criminal antecedent. He further submits that nothing has been recovered from conscious possession of the petitioner. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 450 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

shahzad/-

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

