

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71931 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Vivek Singh Son Of Late Gorakh Singh R/O Vill.,- Makari Mahuawa, P.S.-
Piprakothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
16.07.2022, in connection with Piprakothi P.S. Case No. 111 of
2022, F.I.R. dated 19.04.2022 registered for the offences
punishable under Section 394 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of the confessional statement
of co-accused Md. Shohrab Alam. He further submits that



nothing incriminating article has been recovered from the possession of the petitioner and till date no test identification parade was conducted by the prosecution and except the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner to connect the complicity of the petitioner in the present case. He further submits that co-accused namely Jhuna Kumar @ Jhuna Sahani @ Jhunna Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No. 72502 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of eight cases, the petitioner is on bail in five cases.

Considering the facts and circumstances of the case, 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



Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Piprakothi P.S. Case No. 111 of 2022, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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