

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73887 of 2022**

Arising Out of PS. Case No.-432 Year-2022 Thana- PIRO District- Bhojpur

VICKY KUMAR @ VIVEK KUMAR S/O Sheo Mangal Singh R/O Village-  
Jokta, P.S- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Asha Devi, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      21-03-2023                      Heard learned counsel appearing on behalf of the  
parties.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Piro P.S.  
Case No. 432 of 2022 registered for the offence under Section  
395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 30.08.2022.

The allegation against the petitioner is to commit  
robbery in the office of petrol pump along with other unnamed  
co-accused persons and while committing so, taken away cash  
of Rs. 54,000/- kept in office, mobile phone found in possession  
of informant and also damaged the CCTV camera and one



computer, installed thereof.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely implicated in the present case, on the basis of confessional statement of co-accused, namely, Suraj Kumar Sah @ Dhupa Kumar, in furtherance of which, no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of robbery. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused person, no incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of robbery, where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Piro P.S. Case No. 432 of 2022, 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, Bhojpur at Ara/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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