

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12116 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- VAISHALI District- Vaishali

Om Prakash @ Chhotu S/o Ravindra Ray R/o vill - Sekhpura, P.S. and Distt. -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Vaishali
P.S. Case No. 381 of 2023 instituted for the offences under
Sections 413, 414, 420, 467, 468, 471, 120B of the Indian Penal
Code.

3. As per allegation made in the F.I.R., the police has
recovered one looted motorcycle from the hut of the accused
petitioner. It is further alleged that the police has also recovered
three motorcycles from the garage of co-accused/Sunil Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case on the basis of the confessional statement of co-



accused Vikram Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or his house rather the motorcycle has been recovered from a hut which does not belong to the petitioner. The petitioner was not present at the alleged place of occurrence. The petitioner has four criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 15.09.2023. Charge-sheet has been submitted against the petitioner and other accused persons.

5. Learned counsel for the petitioner again submits that the co-accused persons namely Akhilesh Kumar and Sunil Kumar have already been granted bail by a Co-ordinate Bench of this Court dated 09.01.2024 and 18.01.2024 passed in Cr. Misc. Nos. 84898 of 2023 and 1667 of 2024 respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Vaishali P.S. Case No. 381 of 2023.

(Rudra Prakash Mishra, J)

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