

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23788 of 2024

Arising Out of PS. Case No.-145 Year-2022 Thana- BHAGWANPUR District- Vaishali

VIVEK KUMAR S/O SANJAY SAHNI Resident of Village- Enayat Nagar,
Makhdumpur, P.S. Goraul, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pranav Kumar, Advocate
	Mr. Rajeev Ranjan, No. II, Advocate
	Ms. Kumari Rupa, Advocate
	Ms. Priyanka Kumari, Advocate
For the Opposite Party/s :	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard the parties.

2. The petitioner is in custody in connection with Bhagwanpur P.S. Case No. 145 of 2022 for the offence punishable under Section 392 of the Indian Penal Code lodged on 12.06.2022 by the informant, Amit Kumar.

3 As per the prosecution story, all the accused persons including the petitioner who were riding motorcycle, stopped the informant and snatched his motorcycle, mobile phone, laptop, etc. at the point of pistol while he was returning from Rahul's house. Accordingly, the FIR.

4 Learned counsel for the petitioner submits that he do not have any criminal antecedent, his name has come in the



confessional statement of Vikas Kumar. Further, though he is in custody since 23.12.2023 (paragraph-14 of the petition), no T.I. Parade has been conducted and is ready to diligently appear in trial. Learned counsel submits that similarly placed some other co-accuseds which include Md. Raza (Cr. Misc. No. 31316 of 2023), Vipin Kumar (Cr. Misc. No. 32316 of 2023) and Dharamraj Kumar (in Cr. Misc. No. 11557 of 2023) have been granted bail.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that they were part and parcel of the loot.

6. Taking into account the aforesaid submissions put forward including the fact that no T.I. Parade has been conducted, is in custody since 23.12.2023, do not have any criminal antecedent and similar placed co-accuseds have been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

7. However, if it is found that contrary to the statement made in the petition, petitioner has criminal antecedent, the bail order shall become infructuous.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VI,



Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 145 of 2022 subject to the following conditions:

- (i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;
- (iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;
- (iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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