

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31426 of 2024

Arising Out of PS. Case No.-802 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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Vivek Kumar Son of Late Jagdish R O Village- 1171 Subhash Nagar
Mugalsarai Ward No.23 P S- Kotwali Mugalarai District -Chandauli U P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with
Aurangabad Town P.S. case No. 802 of 2023, G.R. No. 3037 of
2023 instituted for the offences under Sections 379 and 511 of
the Indian Penal Code.

3. Prosecution case, in short, is that some unknown
miscreants tried to damage the ATM machine by cutting it with
a gas cutter and steal money.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case on the basis of the co-accused Amrendar



Kumar Singh. No incriminating/looted article has been recovered from the conscious possession or from the house of the petitioner. He further submitted that except the confessional statement of the co-accused person, there is no material against this petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.01.2024 and has four criminal antecedents out of which he is on bail in three cases.

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

6. Considering the aforesaid facts and circumstances of the case, nature of offence as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Aurangabad Town P.S. case No. 802 of 2023, G.R. No. 3037 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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