

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33388 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- MOKAMAH District- Patna

Vicky Kumar SON OF LATE RAM ITAR YADAV @ RAMETRA YADAV
R/O Village- Tartar, Jagir tola, P.S.- GHOSWARI, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Mokama P.S. case No. 428 of 2023 instituted for the offences under Section 394 of the Indian Penal Code in which Sections 411 and 414 of the Indian Penal Code were added later on.

3. Prosecution allegation, in short, is that the the informant was carrying Kirana Saman (*gud*) from Patna to Munger by pick up vehicle and on the way, four unknown miscreants surrounded his vehicle and started assaulting him and one person took away his Bolero vehicle. It is further submitted that the accused persons also took away Rs. 4,000/- and a mobile phone and thereafter threatened to kill him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The occurrence is of 31.10.2023 and the F.I.R. was lodged on 01.11.2023 and was sent to the Court on 04.11.2023 i.e. after the recovery of gun on 03.11.2023 which creates doubt against the prosecution. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. It is alleged that seven cartoon of jiggery was recovered from the straw room of the petitioner. Learned counsel for the petitioner submits that the straw room is joint family house of the petitioner where other family members also reside. Charge-sheet has been submitted in this case. The petitioner is in custody since 12.01.2024 and has one criminal antecedent. Co-accused have been granted bail by this Bench vide orders dated 04.03.2024 passed in Cr. Misc. No. 13214 of 2024, order dated 04.03.2024 passed in Cr. Misc. No. 12965 of 2024 and order dated 13.02.2024 passed in Cr. Misc. No. 6823 of 2024.

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, the period of custody undergone by the petitioner



and the claim based on parity, 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 Mokama P.S. case No. 428 of 2023.

(Rudra Prakash Mishra, J)

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