

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40762 of 2024

Arising Out of PS. Case No.-21 Year-2018 Thana- MASHRAK District- Saran

Vikash Kumar Son of Ashok Prasad Resident of Village - Magahi, P.S. -
Basantpur, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 10-06-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.
2. The petitioner seeks bail in connection with

Masrak P.S. Case No. 21 of 2018 registered for the

offence under Sections 413/414/34 of the Indian Penal

Code.
3. The accused/petitioner is named in the F.I.R.

and is in custody since 27.02.2024.
4. The allegation against the petitioner is to

habitually dealing in stolen property like motorcycle

alongwith other co-accused persons.



5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner apprehended in Masrak P.S. Case No. 239/17, where he is on bail and in said case his confessional statement was recorded by police, wherein he confessed to be involved in present case alongwith other co-accused persons and in furtherance of which, five stolen motorcycles were alleged to be recovered from backyard of the house of co-accused Mangal Sah. It is submitted that there is no recovery from the possession of this petitioner and seizure list itself suggest that recovery of stolen motorcycles were made from the house of co-accused Mangal Sah. It is also pointed out that even the place of recovery is an open place and accessible by general public. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of



tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as save and except confessional statement, nothing incriminating material appears to be recovered from the possession of this petitioner rather same appears recovered from the house of co-accused Mangal Sah coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.02.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Masrak P.S. Case No. 21 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of A.C.J.M.-6, Saran at Chapra, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial,



failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of charge before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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