

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46336 of 2024

Arising Out of PS. Case No.-614 Year-2022 Thana- FORBESGANJ District- Araria

Vivek Kumar @ Vikash Kumar S/O Virendra Mehta R/O Village- Jadia, Ward
No 13, P.S.- Jadia, Distt-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Forbesganj P.S. Case No. 614 of 2022 instituted for the offences under Sections 395, 397 and 412 of the Indian Penal Code.

3. As per prosecution case, informant was accosted with five unknown miscreants while he was going to the Bank and on the point of pistol they snatched a bag containing Rs. 4 lakhs. It is also alleged that they have assaulted the informant by means of pistol butt.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR and the same



has been lodged against unknown persons. The name of the petitioner has come into light on the basis of confessional statement of co-accused Pintu Kumar, which has got no evidentiary value in the eyes of law. The petitioner has got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 16.05.2024 passed in Cr. Misc. No. 38289 of 2024. The petitioner is in custody since 31.01.2024 and has six criminal antecedents.

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

6. Considering the facts and circumstances of the case as well as 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 Forbesganj P.S. Case



No. 614 of 2022, Subject to 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.

(Rudra Prakash Mishra, J)

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