

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49809 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- BHELDI District- Saran

Vicky Kumar, Son Of Arjun Rai, Resident Of Village - Bardahiya, P.S. -
Marhowrah, District - Saran

... .. 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. Akbar Ali, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bheldi P.S. Case No. 248 of 2023 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. Based upon the written report the prosecution
alleges that while the informant was going to attend a meeting
after collecting an amount of Rs. 1,68,795/- from different
center, in the mean time, he was intercepted by two miscreants
riding on a motorcycle. The miscreants snatched the bag of the
informant on the point of pistol containing the aforementioned
amount and other valuables and fled away.

4. Learned Advocate appearing on behalf of the



petitioner contended that the FIR has been instituted against two unknown miscreants however, during the course of investigation the police remanded one Akash Kumar in the present crime and on his confession, the name of the petitioner has surfaced. Save and except the confessional statement of co-accused Akash Kumar, there is no material suggesting the complicity of the petitioner in the crime. Neither the petitioner has been put on any Test Identification Parade, nor there is any recovery of any incriminating material. Moreover, co-accused Akash Kumar has been accorded the privilege of anticipatory bail by this Court in Cr. Misc. No. 52681 of 2024, the copy of which has been produced before this Court. It is lastly contended that the petitioner has been incarcerated since 08.04.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that during the course of investigation materials have come suggesting the complicity of the petitioner, that apart the petitioner is having one criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based upon a confessional statement, coupled with the fact



co-accused person on whose confession the name of the petitioner transpired has granted bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Saran, Chapra in connection with Bheldi P.S. Case No. 248 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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