

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52811 of 2024

Arising Out of PS. Case No.-732 Year-2023 Thana- MUFFASIL District- West Champaran

Vivek Singh, S/O Late Gorakhlal Singh @ Late Gorakh Singh, R/O Village-
Makri Mahuawa, P.S- Piprakothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mrs. Rashmi Jha, learned Advocate appearing
on behalf of the petitioner and Mr. Anuj Kumar Srivastava,
learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bettiah Muffasil P.S. Case
No. 732 of 2023 registered for the offence punishable under
Sections 392 of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that while the informant alongwith his friend were going
on motorcycle, in the meantime four persons on two
motorcycles came there and intercepted them. The miscreants
also snatched Rs. 2 lakhs from the pocket of the informant on
the point of pistol and fled away.

4. Learned Advocate appearing on behalf of the
petitioner contended that the FIR has been instituted against



unknown miscreants however, during the course of investigation the name of the petitioner surfaced on the confessional statement of co-accused Anil Gupta @ Candy. It is further contended that the petitioner is in custody since 09.05.2024 but till date neither the Test Identification Parade has been made nor any incriminating material has been recovered from his person or possession. It is also contended that the petitioner bears fair antecedent and now the investigation of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner has confessed his complicity in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on the confessional statement of the co-accused and there is no other cogent material showing the complicity of the petitioner coupled with the fact of fair antecedent and the chargesheet has been submitted, 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Muffasil P.S.



Case No. 732 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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