

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55192 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- FALKA District- Katihar

Vikash Kumar Singh @ Vikas Kumar @ Babwa Son Of Kailash Prasad Singh
R/V- Ward No. 15, Murli Chandwa, P.S.- Udaikishungaj, Distt.- Madhepura,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Singh

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 392 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedents and the informant alleges that four persons entered his office and looted Rs. 35,000/- and also took away a sack containing 81 mobiles along with CCTV, DVR and mobile of the informant.
4. It is next submitted that petitioner has been falsely implicated in the instant case. It is next submitted that FIR is against unknown and the name of the petitioner transpired in



the confessional statement of Co-accused Saroj Kumar, Abhishek Kumar and Suraj Mandal in police custody, which does not have any evidentiary value in the eyes of law. It is further asserted and submitted that it has been specifically pleaded at Para-7 - *that the name of the petitioner has not been mentioned in the FIR and nor has his name figured in the course of investigation done by the police. However, the police authorities have been harassing the petitioner solely on the ground that some of the accused persons have mentioned the name of one Vikas Kumar, alias Babwa without mentioning either the parentage or residential address of the said Vikas Kumar alias Babwa.*

5. It is further submitted at the cost of repetition that the petitioner is a person with antecedent and has a business of taxi. It is further submitted that all Vikas Kumar alias Babwa become vulnerable based on confessional statement of the apprehended accused in police custody. It is also submitted that had the apprehended accused known the petitioner, in that event, they would have described him with his parentage and address.

6. The learned APP opposes the prayer for anticipatory bail of the petitioner and submits that such occurrences are becoming rampant in the State of Bihar and if



the privilege of anticipatory bail is granted to the petitioner that would embolden him to commit more of such occurrences.

7. At the stage, learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Falka P.S. Case No. 91 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. One of the bailors of the petitioner shall be his cousin brother, Kundan Kumar Singh.

10. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court, bringing to its notice that petitioner, despite giving assurance to this court, is not cooperating in the investigation or is not presenting himself as and when required,



in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

11. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

12. At this stage, the learned counsel for the petitioner seeks permission to make rectification in the description of the petitioner.

13. Permission is accorded.

(Satyavrat Verma, J)

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