

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59355 of 2024

Arising Out of PS. Case No.-777 Year-2020 Thana- MADHAURAH District- Saran

Vivek Kumar @ Chunnu Baba son of Raj kishore Singh Village- Marhowarh
khurd, Ps- Marhawrah, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Marhowrah P.S. Case
No. 777 of 2020, instituted for the offences punishable under
Section 392 of the Indian Penal Code.

3. The prosecution case, in short, is that, three
unknown miscreants snatched the motorcycle of the informant
on the point of pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge has been framed against the petitioner. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



also submitted that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Golu Kumar and the same has got no evidentiary value. No T.I. parade has been conducted in this case and no recovery of the stolen motorcycle has been made from the petitioner. The petitioner has been remanded in this case on 10.10.2022 and has got seventeen criminal antecedents in which he is on bail in fourteen cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 19.01.2024 passed in Cr. Misc. No. 48 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Marhowrah P.S. Case No. 777 of 2020, subject to the 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.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(IV) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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