

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60136 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- SINGHWARA District- Darbhanga

Vivek Kumar S/o Late Pranay Thakur R/o village- Brahampur, Police
Satation- Kamtaul, District Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 18-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Singhwara P.S. Case No. 150 of 2024,
registered for the offence punishable under Section 394 of the
Indian Penal Code.

3. While the informant was going on his motorcycle
along with his co-worker, in the meantime, he was intercepted
by three miscreants, who were riding on a Pulsar bike. The
miscreants assaulted the informant and his co-worker by butt of
the pistol and snatched valuables and took away his motorcycle.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants.
However, during the course of investigation, one of the co-



accused, namely, Laddu @ Sundram was apprehended and from his confession, the name of the petitioner and others have been surfaced. It is further contended that though during the course of investigation it has come that the Pulsar bike, which was used for the alleged robbery, was recovered from the house of the petitioner. But surprisingly, neither the petitioner nor the bike has been put on Test Identification Parade. Moreover, the petitioner is a man of fair antecedent and now he has been incarcerated since 14.06.2024. It is next contended that other co-accused persons, whose names were also sprung up in the confessional statement of co-accused, they have been allowed the privilege of regular bail by this Court, the copies of the orders with respect to two of the accused persons, namely, Amit Kumar Thakur @ Nepalo and Ankit Kumar Mishra have been placed on record.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the complicity of the petitioner cannot be denied, as the motorcycle, which was used in the crime, has been recovered from the house of the petitioner, apart from other materials collected during the course of investigation.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the crime, in question, is triable by the Magistrate. Neither the petitioner nor the motorcycle, in question, has been put on Test Identification Parade, coupled with the fair antecedent and the fact that other co-accused persons, having more or less identical allegation, they have been allowed the privilege of regular 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 Judicial Magistrate 1st Class, Darbhanga in connection with Singhwara P.S. Case No. 150 of 2024, 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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