

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59996 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- CHAKIA District- East Champaran

Vikash Kumar Son of Lal Babu Sahani Resident of Village- Mahawal @
Mahual, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No. II
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Chakia P.S. Case No. 53 of 2024 registered for the offences punishable under Sections 392/34 of the Indian Penal Code.

3. Allegedly, while the informant was going to Puran Chapra after withdrawing cash amount of Rs.5,11,000/- from the State Bank of India Shitalpur Branch, in the way he was intercepted by the four miscreants, who snatched the money on the point of pistol and fled away on their motorcycles.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation the name of the



petitioner has sprung up on the confessional statement of Mithilesh Kumar, who was apprehended in connection with Motipur P.S. Case No. 41 of 2024. Save and except the confessional statement, there is no other cogent material connecting the petitioner with the present crime. From the narratives made in the FIR and the impugned order it would be evident that so far CDR and tower location of the mobile phone near the place of occurrence is concerned, that is against co-accused person. It is next contended that the false implication of the name of the petitioner in the present crime is because of his criminal antecedent as the petitioner is carrying three criminal antecedents. The petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. Now the petitioner is in custody since 15.05.2024.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the criminal antecedent of the petitioner speaks volume.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based on confessional statement, barring the confessional statement there is no cogent material,



moreover, the investigation of the crime is complete and the chargesheet has been submitted, coupled with the fact that the crime in question is triable by the Magistrate, let the petitioner, abovenamed, 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, East Champaran at Motihari in connection with Chakia P.S. Case No. 53 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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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