

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72879 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- BIBHUTIPUR District- Samastipur

VIKASH KUMAR SON OF RAM BILASH MAHTO @ RAM VILASH
MAHTO RESIDENT OF VILLAGE - LAGUNIYA RAGHU KANTH,
WARD NO.10, P.S. - SAMASTIPUR (MUFASSIL), DISTRICT -
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 367 of 2022 registered for the offences
punishable under Section 394 of the IPC.

3. As per prosecution case, informant alongwith
Pawan Kumar was returning to his home on motorcycle and on the
way, four miscreants overtook his motorcycle and started assaulting
informant and attacked upon Pawan Kumar by means of knife and
also took away the motorcycle of the informant. FIR has been
lodged against four unknown miscreants.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and he has been remanded in the
present case from Bibhutipur P.S. Case No. 414 of 2022 upon the



confessional statement of co-accused Vikash Kumar. He further submits that petitioner is in custody since 07.01.2023 and bears criminal antecedent of ten cases in which he is on bail in eight cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is neither apprehended on the spot nor was found near the place of occurrence. There is no eye witness to the alleged occurrence and there is also no video footage that shows the involvement of the present petitioner. He further submits that no TIP has been conducted uptill now. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Ajeet Kumar has already been granted bail vide Cr. Misc. No. 65339 of 2023 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing. Petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material



available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Rosera, Dist-Samastipur in connection with Bibhutipur P.S. Case No. 367 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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