

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81778 of 2023

Arising Out of PS. Case No.-643 Year-2022 Thana- DHAKA District- East Champaran

VICKKY KUMAR @ VICKY KUMAR S/o Dinesh Singh R/o Village-
Mishrauliya, P.S-Chiraiya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
B.P. No. 2189/2023 arising out of Dhaka P.S. Case No. 643 of
2022 registered on 20.10.2022 lodged under Sections 392 of the
I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against three unknown accused persons against whom there is
an allegation of committing theft of Rs. 4 Lakhs.

4. Counsel for the petitioner submits that name of the
petitioner has been figured in this case by the virtue of
confessional statement of the co-accused who has disclosed in
the case diary that Rs. 50,000/- has been distributed among
them.



5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 11.04.2023 having 11 criminal case pending against him. He further submits that nothing incriminating has been recovered from the possession of the petitioner nor T.I.P. has been conducted. Moreover, case has been lodged under Section 392 of the I.P.C. which is triable by Magistrate, but charge has been framed under Section 395 of the I.P.C

6. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and this aspect must be taken into consideration at the time of granting bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge if not framed yet and on being satisfied by the trial Court that he is not absconding in any of the criminal cases pending against him which is mentioned below* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sikrahna at Dhaka, East Champaran in connection with in connection with B.P. No. 2189/2023 arising out of Dhaka P.S.



Case No. 643 of 2022 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

- NDPS Case No. 64/2020
- Chiraiya P.S. Case No. 278/2020
- Chiraiya P.S. Case No. 283/2020



- Chiraiya P.S. Case No. 294/2020
- Chiraiya P.S. Case No. 295/2020
- Chiraiya P.S. Case No. 300/2020
- Chiraiya P.S. Case No. 303/2020
- Ghora Sahan P.S. Case No. 379/2020
- Dhaka P.S. Case No. 762/2022
- Dhaka P.S. Case No. 30/2023
- Dhaka P.S. Case No. 13/2023

(Dr. Anshuman, J)

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