

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88308 of 2024

Arising Out of PS. Case No.-898 Year-2023 Thana- ARA NAWADA District- Bhojpur

Vikash Kumar S/o Late Sheoji Singh R/o vill - Porhan, P.s .- Sinha, Distt.-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with Nawada (Ara) P.S. Case No. 898 of 2023 registered for the offences under Sections 461, 379 and 411 of the Indian Penal Code.

3. The petitioner is not named in the F.I.R. and is in custody since 22.12.2023.

4. The allegation against the petitioner is to commit theft in the mobile shop of informant and while committing so taken away six mobile phones of different companies.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in



the present case on the basis of confessional statement of co-accused namely, Abhishek Kumar @ Abhishekh Kumar who has already been granted bail by this Court through Cr. Misc. No. 40829 of 2024 dated 11.06.2024. It is further pointed out that the alleged recovered VIVO mobile and some garments which alleged to be recovered from the possession of this petitioner was not put on material TIP as to connect petitioner *prima-facie* with present occurrence of theft. While concluding the argument it is submitted that petitioner found involved in five more criminal case, where he is on bail and moreover investigation of this case has been completed, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of fact as alleged material recovered could not put on TIP during the course of investigations, where petitioner is in custody since 22.12.2023, coupled with the fact that charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Nawada



(Ara) P.S. Case No. 898 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

- (i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

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(Chandra Shekhar Jha, J)

