

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31425 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Kunal Thakur Son of Ajay Thakur, Resident of Village- Barohiya, P.s.-
Chanpatia, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ahmad Ali

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 09.01.2017
in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No.
238/16 for offences punishable under Sections 395/397 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was going on the way after collecting Rs. 6,87,000/-
from sale of petrol, the petitioner along with three other persons
on Apache motorcycle at pistol point snatched the money.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and simply because he has a criminal antecedent, he has been made accused in the present case. He submits that nothing has been recovered from his conscious possession and no Test Identification Parade has been done so far. It is further submitted that it is only on the basis of the confessional statement of the co-accused that he has been made accused in other five cases pending against him and in all the cases he has not been named in the First Information Report. It is also submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is involved in a number of cases of similar nature, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-I, West Champaran, Bettiah, in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 238/2016, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his



relationship with the petitioner and that petitioner will appear before the learned court below on each and every date during trial and failure to appear on three consecutive dates without assigning any reason will entail cancellation of his bail bonds and if the petitioner is found to have indulged in an offence of similar nature, the prosecution will be at liberty to seek cancellation of his bail bonds before the learned court below.

(Nilu Agrawal, J)

Rajesh/-

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