

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59026 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- JAKKANPUR District- Patna

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AMIT KUMAR, aged about 19 years, S/o Lt. Jagarnath Choudhary Resident
of Village- Rahua, P.S.- Tisiauta, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 20-11-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in

F.I.R. No. 179 of 2019, dated 28.03.2019, registered at Police

Station Jakkanpur under Sections 400,401,413 and 414 of the

Indian Penal Code.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State. I have also
perused the relevant record of the case, necessary for
adjudication of this petition.

From perusal of the F.I.R. and seizure-list it appears
that no stolen article has been recovered from the conscious
possession of the petitioner. So far motorcycle is concerned, the
same is not a stolen motorcycle. Prima facie also, it appears that
thus far no case against the petitioner is made out indicating his



complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 29.03.2019. Also, no further recovery is to be made from the petitioner and at this stage petitioner is not required for investigation.

It is also brought to the notice of the Court that co-accused stands enlarged on bail vide order dated 20.08.2019 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 51519 of 2019 (Raju Kumar & Anr. Vs. The State of Bihar).

Learned counsel for the petitioner states that the case of the petitioner is not different than that of the applicants who already stood granted bail by a co-ordinate Bench of this Court.

Having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Sub Judge-I cum A.C.J.M., Patna in connection with Jakkanpur P.S. Case No. 179 of 2019, on the following conditions:-



(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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