

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30416 of 2020**

Arising Out of PS. Case No.-289 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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RAKESH KUMAR THAKUR @ RAKESH THAKUR Son of Sri Kulanand
Thakur Resident of Village- Harda Bazar, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Amit Kumar Anand, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-11-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard learned counsel for the petitioner.

Ms Pushpa Sinha, APP is appearing as it is submitted
that the brief has been allotted to her by the Office of Advocate
General.

The petitioner seeks bail in K Nagar Police Station
(for brevity, PS) Case No 289 of 2019 (GR No 2611 of 2019)



initially instituted for the offence punishable under Section 394 of Indian Penal Code (for brevity, *IPC*), but later on converted into Section 395 of *IPC*.

It is alleged that 4 persons, riding on two motorcycles, one red in colour and the other while in colour, have taken away some money from the petitioner on pistol point from the dickey of motorcycle.

Learned counsel for the petitioner submits that the petitioner's implication is based on confessional statement of co-accused Sarvar Alam who has since been enlarged on bail by the Sessions Judge, Purnea. There is no recovery of any incriminating article from the petitioner's possession. Petitioner is in custody since 11.10.2019 and he is on bail in the other five cases pending against him, details of which have been mentioned in paragraph 3 of the petition. In other two cases, he has already been acquitted.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Chief Judicial Magistrate, Purnea in K Nagar PS Case No 289 of 2019 (GR No 2611 of 2019) subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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