

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87049 of 2019

Arising Out of PS. Case No.-233 Year-2019 Thana- KANKARBAG District- Patna

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Ajit Kumar @ Ajit Sahni @ Ajit Kumar Sahni @ Lallu, aged about 27 years (M), S/o- Sri Sita Ram Sahni R/v- RMS Colony, J-Sector, 178, P.S.- Kankarbagh, District- Patna, permanent resident of Village- Alapur, near at Mankatha Railway Station, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-03-2020

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Kankarbagh PS Case No. 233 of 2019 dated 27.02.2019 instituted under Sections 395/397 of the Indian Penal Code.

3. The allegation against the petitioner is of being party to *dacoity* committed in the house of the informant.

4. Learned counsel for the petitioner submitted that he was caught in Kankarbagh PS Case No. 290 of 2019 and thereafter has been remanded in four other cases, including the present case. It was submitted that there has been no recovery from the petitioner and further that no Test Identification Parade



has been held. Learned counsel submitted that the petitioner is in custody since 29.05.2019. It was submitted that only on the basis of the so called confessional statement before the police, which is inadmissible in law, he has been made accused. It was further submitted that similarly situated co-accused Monu @ Chandan Singh has been granted bail by a coordinate bench on 16.11.2019 in Cr. Misc. No. 58690 of 2019 and Rohit Raj @ Rohit Kumar on 16.01.2020 in Cr. Misc. No. 426 of 2020.

5. Learned APP, from the case diary, submitted that the petitioner and other co-accused have confessed their crime in which the petitioner's role has come. However, he was not in a position to controvert the fact that no recovery has been made from him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousands) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Patna in Kankarbagh PS Case No. 233 of 2019. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall



also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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