

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12910 of 2021**

Arising Out of PS. Case No.-41 Year-2020 Thana- MOTIPUR District- Muzaffarpur

LOKESH THAKUR @ LOKESH KUMAR S/o Late Bindeshwar Thakur
Resident of Fardogola, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.,Advocate

For the Opposite Party/s : Mr.Dr.Ajeet Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dr. Ajeet Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No. 41 of 2020 registered for the offences punishable under Sections 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the Branch Manager of Bank of India, Motipur, Muzaffarpur stated in his written information that on the usual working day, six persons who had covered their faces entered the Bank. One of the accused persons pointed the pistol



on the head of the Branch Manager and others took away the cash worth Rs. 13,53,810/- from the cash counters. It is further alleged that they abused and assaulted some of the customers and snatched their mobile phones.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of co-accused Rajnish Thakur @ Appu who has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 5694 of 2020. It is further submitted that no incriminating article has been recovered from the possession of the petitioner. The petitioner has remained in jail since 28.07.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned counsel for the petitioner that in the First Information Report the informant has stated that all the accused persons aged between 25-30 years and they had covered their faces, the petitioner is claiming that he is aged about 57 years as disclosed in the petition and further that his name has transpired in the



confessional statement of the co-accused Rajnish Thakur @ Appu who has been granted bail by a learned Co-ordinate Bench of this Court in Cri Misc. No. 5694 of 2020, in paragraph '3' petitioner has stated about two cases out of which in one case he has been taken on remand, further submission that the petitioner is in custody since 28.07.2020 but till date he has not been put on test identification parade and no incriminating article has been recovered from his possession, investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 2nd (West), Muzaffarpur in connection with Motipur P.S. Case No. 41 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and



(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that the petitioner shall cooperate in course of trial by putting his appearance on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite cancellation of bail of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

