

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36699 of 2021

Arising Out of PS. Case No.-38 Year-2017 Thana- EKANGARSARAI District- Nalanda

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BASKIT KUMAR S/O NARESH YADAV R/o- Jeevanchak, P.S.- Didarganj,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Ekangarsarai P.S. Case No. 38 of 2017 registered for the offence under Sections 395 and 412 of the Indian Penal Code.

Unknown miscreants are said to have taken away the truck of the informant loaded with 20 ton Guide detergent powder.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the entire F.I.R. is against unknown persons and



this petitioner has been made accused in this case on the basis of confessional statement of the co-accused, namely, Akhilesh Ray. Save and except the confession of the co-accused, no cogent material has come during course of investigation against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner nor he has been put on T.I.P. till date. Moreover, the co-accused, namely, Ajay Kumar, Akhilesh Rai along with Rupesh Kumar, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 30.06.2017 and 19.07.2017 passed in Cr. Misc. No. 23620 of 2017 and Cr. Misc. No. 26162 of 2017, respectively. The petitioner is rotting in judicial custody since 15.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having two more cases other than the present one, which is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner be released 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 S.D.J.M., Hilsa, Nalanda in connection with Ekangarsarai P.S. Case No. 38 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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