

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39562 of 2020

Arising Out of PS. Case No.-322 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Ankit Kumar S/o Late Pappu Kumar @ Sanjay Kumar R/o village- Munni-Baingari, P.S.- Pear, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned counsel for the petitioner and the learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Gaighat PS Case No 322 of 2019 instituted for the offence under Sections 395 and 397 of the Indian Penal Code.

The informant has alleged that while he was carrying fevicol on his truck, he has been intercepted by miscreants travelling in Bolero who have snatched money and other things from him and shot him on his leg.

Learned counsel for petitioner submits that on confessional statement of one of the co-accused who was arrested in the course of investigation, the petitioner has been taken in custody and continue to be in custody since 02.07.2020, though he bears a clean past. Even the confessional



statement, which has no evidentiary value whatsoever, merely states that subsequently stolen material was kept by the petitioner in his godown and there is no allegation that he was part of the offence of loot. Co-accused persons, namely, Nand Kishore Rai, Raja Kumar @ Raja Babu and Sadanand Kumar, have already been allowed bail in Cr Misc Nos 78600 of 2019, 5800 of 2020 and 19679 of 2020.

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

Considering the rival submissions, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-XV, Muzaffarpur, in connection with Gaighat PS Case No.322 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.

(Madhuresh Prasad, J)

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