

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49006 of 2021**

Arising Out of PS. Case No.-189 Year-2019 Thana- KARJA District- Muzaffarpur

Suraj Kumar @ Tutu S/O Braja Kishor Thakur R/O Village-Sirkohiya, P.S-
Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-12-2021 Let the defects, if any, be removed within four weeks
of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Karja P. S Case No. 189 of 2019 for the offences
punishable under Section 395 of the Indian Penal Code .

According to the prosecution case, informant runs
customer service of Central Bank of India at Bishunpur Chowk
in the house of one Raj Kishore Mahto. While informant along
with his nephew working in the center, some miscreants entered
into the said center and looted cash of Rs. 2 lacs, five mobile
phones, two laptops and some documents of the Bank and fled
away.



Learned counsel for the petitioner submits that petitioner is not named in the F.I.R and his name has been transpired in this case only on the basis of confessional statement of co-accused Ajit Kumar. Apart from this confessional statement, nothing has been recovered from possession of the petitioner. Petitioner is rotting in jail custody since 18.03.2021. On similar footing, several co-accused namely, Manish Kumar have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 62401 of 2019, Ajit Kumar in Cr. Misc. No. 63143 of 2019, Chandan Kumar in Cr. Misc. No. 63992 of 2019, Ashutosh Ranjan @ Chottu in Cr. Misc. No. 27377 of 2020, Premchand Kumar in Cr. Misc. No. 27347 of 2020 and Ram Babu Singh in Cr. Misc. No. 39414 of 2020

The learned A.P.P opposed the prayer for bail of the petitioner and submits that except this case, petitioner is having five cases, which manifests in Paragraph-3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate V, West Muzaffarpur in connection with Karja P.S.Case No. 189 of 2019 ,subject to 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

3. 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 petitioners have concealed their 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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