

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5728 of 2021

Arising Out of PS. Case No.-412 Year-2020 Thana- ISLAMPUR District- Nalanda

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Ankus Kumar Son of Bhagirath Mistri, resident of village - Dhamauli, Police
Station - Islampur, District – Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 In view of sudden surge of COVID–19 infection there

is limited functioning of the High Court and therefore the matter

has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner’s Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Islampur P.S. Case No. 412 of
2020 registered for offence punishable under section 379 of the
Indian Penal Code and later on section 411 of the Indian Penal
Code has been added in this case.

F.I.R. has been lodged against unknown persons. The



informant parked motor cycle has been stolen.

Learned counsel submits that petitioner's implication is based on confessional statement of co-accused Manish Kumar. Such implication is not sustainable in the eyes of law. He further submits that recovery of stolen motor cycle is from co-accused Kalendra Kumar. From the petitioner there is no recovery of any incriminating material. Petitioner having no criminal antecedent, is in custody since 21.07.2020. Kalendra Kumar from whose possession the stolen motor cycle was recovered, has been allowed bail in Cr. Misc. No. 5388 of 2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in Islampur P.S. Case No. 412 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit 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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