

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7348 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- KUMAR KHAND District- Madhepura

1. Lamantu Kumar @ Lemontu Kumar aged about 22 years,(Male) S/o Taranand Yadav.
2. Deepak Kumar aged about 22 yrs (male) S/o- Ratan Kumar, both r/o village –Karwaili, P.S. Kumarkhand, District- Madhepura.
3. Ajay Kumar @ Ajay Kumar Ram aged 21 yrs male S/o Ram Krishna Ram, Resident of village – Naulakhi, P.S. Jankinagar, District – Purnia

.. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioners and learned counsel for the State

3. The petitioners seek bail in Kumarkhand P.S. Case No. 108 of 2020, instituted for the offence under Sections 392 of the Indian Penal Code.

4. Learned counsel for the petitioners is expected to honour 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 to do so by the office.

5. An amount of Rs. two lacs withdrawn from the customer service centre of the State Bank of India and while the



informant was carrying the same in his motorcycle it is alleged that four persons on two motorcycles have accosted him and taken away the money.

6. The learned counsel for the petitioners submits that they have falsely been implicated. Allegation is that the accused persons were having armed with firearm, however, there is no firearm injury on any of the victims. There is no recovery of any incriminating material from the petitioners' possession even to suggest their involvement in the crime. The petitioners are in custody since 24.09.2020. The petitioner Nos.1 and 2 are accused in one more case since before whereas the petitioner no.3 has clean antecedents. It is submitted that other than the confessional statements of co-accused Jitendra Sah, which has no evidentiary value, there is no basis for the petitioners' implication.

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

8. Considering the rival submissions, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Madhepura**, in connection with **Kumarkhand P.S. Case No. 108 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 giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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