

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11303 of 2022

Arising Out of PS. Case No.-197 Year-2020 Thana- ROSERA District- Samastipur

KAUSHAL THAKUR Son of Shyam Thakur Resident of Village- Matihani
Tola, Hajipur, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 197/2020 arising out of Rosara P.S. Case No. 197/2020
lodged under Sections 395, 120(B) and 412 the Indian Penal
Code, 1860.

As per allegation made in the FIR, the petitioner
alongwith other co-accused after confining the family members
of the informant, committed dacoity in his house and looted
jewelery and cash from the house of the informant.

Learned counsel for the petitioner submits that as per
FIR, the name of petitioner has not figured and charge sheet has
already been submitted in the case. He further submits that the
petitioner is in custody since 12.02.2021. Learned counsel for



the petitioner fairly submits that there are three cases filed against the petitioner about which description has been made in paragraph 3 of the bail application but in all he is on bail. Learned counsel for the petitioner submits that nothing incriminating has been recovered from the possession of the petitioner. He also submits that till date no T.I. Parade has been conducted by the police. He further submits that other co-accused, namely, Rajesh Kumar Thakur @ Rajesh Thakur and Kundan Kumar have been granted bail by co-ordinate Benches of this Court vide order dated 25.03.2021 and 14.07.2021 passed in Cr. Misc. No. 4898/2021 and 4574/2021 respectively. Learned counsel for the petitioner further submits that the persons have been committed trial also and the name of the petitioner has figured in this case only and only on the basis of confessional statement of the co-accused, namely, Kundan Kumar who have already been granted bail by this Court

The learned A.P.P. for the State opposes the prayer for bail.

In the present facts and circumstances of the case that case has already been committed and the petitioner is in custody since 12.02.2021, nothing has been recovered from the possession of the petitioner and no T.I. Parade has been



conducted and his name has figured on the confessional statement of co-accused who has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Rosera (Samastipur) in connection with Sessions Trial No. 197/2020 arising out of Rosera P.S. Case No.197/2020.

The petitioner is directed to file an affidavit before the trial court that he shall not involve in such types of activity in future at the time of furnishing his bail bond.

The prosecution is at liberty to file cancellation of bail, in case the petitioner violates his undertaking.

Petitioner is also directed to appear on each and every dates in this case before the trial court failure to appear on two consecutive dates shall be resulted into cancellation of bail of the present petitioner.

(Dr. Anshuman, J)

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