

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42333 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BASOPATTI District- Madhubani

Jitendra Thakur S/O Laxman Thakur R/O Basopatti, P.S-Basopatti, District-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Nikhil, Advocate

Mr.Dwij Raj, Advocate

For the Opposite Party : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Basopatti P.S. Case No. 40 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 15.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that the F.I.R. has been lodged against unknown. Allegation is that the miscreants, who entered inside the house of the informant, had looted away a sum of Rs. 7 lakhs and one mobile phone



containing a Sim.

Learned counsel submits that the alleged occurrence is said to have been taken place on 10.02.2021 at about 8:45 p.m. The informant reached at his house on information received from his wife and came to know about the alleged occurrence which took place in his house but the F.I.R. in this case has been lodged on the subsequent day at 6:00 p.m., therefore, there is a delay of about 21 hours in lodging of the F.I.R.

Learned counsel further submits that in course of investigation recoveries were made from the house of co-accused Vinod Yadav. The said Vinod Yadav has allegedly confessed and took the name of this petitioner, but from possession of the petitioner, no recovery has been made.

It is further submitted that the petitioner is in custody for one year, but till date, no test identification parade has been conducted and petitioner has not been identified by the wife or children of the informant. In such circumstances save and except the confessional statement before police by the co-accused, there is no other material against this petitioner. He has got no criminal history and is ready to abide by such terms and conditions which may be imposed upon him to secure his



appearance in course of trial.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case wherein no incriminating material has been recovered from possession of the petitioner and the only material which has come against him is the confessional statement of the co-accused in which his name has transpired and further that a Sim in the name of this petitioner was being used by one co-accused Pramod Thakur who is a co-villager of the petitioner, the petitioner has remained in custody for one year but no test identification parade has been conducted, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-V, Madhubani in connection with Basopatti P.S. Case No. 40 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 petitioner has concealed his 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

