

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50205 of 2021**

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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JITAN RAI @ JITENDRA KUMAR S/o SHIVJI RAY R/o VILLAGE-
DAMODARPUR PATHAN TOLI, P.S-KANTI, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

4 04-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Sadar
P.S. Case No. 100 of 2019 registered for the offence under
Sections 395 and 397 of the Indian Penal Code.

The case relates to dacoity in the office of Muthoot
Finance Co. Ltd. from where two lakh rupees kept in the



counter and the gold kept in the strong room have stolen by the six unknown miscreants. The bag of the informant along with his mobile and modem have also been stolen.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R and merely on the basis of confessional statement of the co-accused, this petitioner has been apprehended in this case. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. No incriminating articles as alleged in the F.I.R. has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Ashish Kumar Singh @ Aashiqui @ Aashish Kumar, Abhishe Kumar, Pradeep Kumar Rai @ Pradeep Kumar and Alok Kumar Pathak have been granted bail by different co-ordinate Benches of this Court vide order dated 02.03.2020, 16.10.2019, 20.06.2019 and 24.11.2020 passed in Cr. Misc. No. 14325 of 2020, Cr. Misc. No. 34406 of 2019, Cr. Misc. No. 37319 of 2019 and Cr. Misc. No. 30278 of 2020, respectively. The co-accused, namely, Manish Kumar has already been granted bail by this Court



vide order dated 10.12.2021 passed in Cr. Misc. No. 40331 of 2021. The petitioner is rotting in judicial custody since 20.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one as is evident form paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Sadar P.S. Case No. 100 of 2019 with 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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



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.

(Rajesh Kumar Verma, J)

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