

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42765 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- AAJAM NAGAR District- Katihar

JAY KUMAR THAKUR @ KALU THAKUR S/o Yogendra Thakur R/o
village- Sahajna, P.S.- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mandal

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ajamnagar (Salmari O.P.) P.S. Case No. 83 of 2022 registered
for the offences punishable under Sections 394 of the Indian
Penal Code read with Section 27 of the Arms Act.

As per prosecution case, informant runs a CSP
centre and she was going to distribute cash to her centre by her
scooty and in her way three miscreants stopped her at gun point
and took away her scooty, mobile and Rs. 50,000/- cash
alongwith other relevant paper of the said vehicle.

Learned counsel for the petitioner submits that



petitioner is in custody since 06.04.2022. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not named in FIR. The name of the petitioner has been surfaced in this case on the confessional statement of co-accused Jamil Akhatar. There is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence except the confessional statement of co-accused. The petitioner is neither apprehended on the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the said scooty has been recovered at the instance of co-accused Md. Hasan from the maize crop of Dilip Singh. He further submits that one mobile has been recovered from possession of co-accused Md. Hasan. No T.I.P. has been conducted.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as



submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 83 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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