

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50040 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- LAKHISARAI District- Lakhisarai

SUMIT KUMAR S/O SUNIL KUMAR Resident of Mohalla- Ashok Nagar,
Kankarbagh, Ward No- 32, P.S.- Kankarbagh and District- Patna

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

For the informant : Mr. N.K. Agrawal, Sr. counsel

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with Lakhisarai (Kabaiya) PS case no. 92 of 2022 instituted for the offences punishable under Sections 406, 420, 506/34 of Indian Penal Code.

The allegation is regarding unknown accused persons having arrived at the house of the informant, whereupon they disclosed that they are Income-Tax Officials, whereafter they had conducted a search in the house of the informant and had taken away cash to the tune of Rs. 20 lakhs and some jewelry etc.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in



custody since 04.02.2022. The learned counsel for the petitioner has further submitted that the petitioner has been made accused in the present case, only on the basis of confessional statement of the co-accused person namely Chandan Kumar. It is further submitted that other co-accused persons have already been granted bail by coordinate Benches of this Court vide order dated 16.11.2022, passed in Cr. Misc. no. 59595 of 2022, and the one dated 30.11.2022, passed in Cr. Misc. no. 64735 of 2021. Lastly, it is submitted that the case of the petitioner stands on a better footing than that of the co-accused person namely Abhinav Kumar, who is not only having two criminal antecedents but from his house, a sum of Rs. 2.5 lacs has been recovered, whereas from the house of the petitioner, only a sum of Rs. 10,000/- has been recovered and moreover, he is having a clean antecedent.

Per contra, the learned Senior counsel for the informant namely Sri N.K. Agrawal and the learned APP for the State Sri Binod Kumar have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court, apart from the fact that the petitioner is having a clean antecedent, his name has transpired in the present case upon the confessional statement made by the co-accused person and a meagre amount of Rs. 10,000/- was recovered from his house, I deem it fit and appropriate to direct for release of the petitioner on bail, on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) PS case no. 92 of 2022, subject to the 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.”*

(Mohit Kumar Shah, J)

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