

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60029 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

Lavkush @ Lavkush Kumar, Son of Munilal Yadav, Resident of Village-
Babupur, P.S. - Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Industrial Area P.S. Case No. 110 of 2020 (S.T.
No. 416 of 2021) for the offences punishable under Sections
457, 380, 341, 323, 307, 337/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
23.10.2020 while the informant was sleeping, he heard some
sound, whereupon both the informant and his wife saw that two
thieves entered in their house. Among the two thieves, one
thieve was apprehended by his neighbour. It is further alleged



that the apprehended person disclosed the name of the co-accused (petitioner), who succeeded to flee away from the place of occurrence. It is also alleged that cash of Rs.50,000/- and jewellery were stolen away.

It is submitted on behalf of the petitioner that this petitioner was neither arrested nor any incriminating material has been recovered from the person or possession of this petitioner and his name has come on the confessional statement of co-accused, who was arrested at the spot. It is next submitted that the petitioner is in custody since 15.03.2021, but till date he has not been put on T.I.P. Even during the course of investigation, no material has come, which suggest the complicity of this petitioner, except the suspicion and the discloser of the name of the petitioner by the co-accused.

On the other hand, learned APP for the State opposes the prayer for bail of the petitioner and submits that this petitioner has been found involved in one other identical matter. In reply to the said submission, it is submitted on behalf of learned counsel for the petitioner that the petitioner has already been granted bail in the identical matter.

Having considered the submissions made on behalf of the parties and also taking into consideration this fact that the



petitioner was neither arrested at the spot nor he has been put on T.I.P, apart from the fact that no recovery has been made from this petitioner and he is in custody since 15.03.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Bhagalpur in connection with Industrial Area P.S. Case No. 110 of 2020 (S.T. No. 416 of 2021) subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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