

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51737 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Mukesh Kumar @ Pago S/O Ajo Mahto Resident Of Village- Khawa, P.S.-
Mednichauki, District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the State
through video conferencing.

Petitioner seeks bail in a case registered in connection
with Surajgadha P.S Case No. 127 of 2021 for the offences
punishable under Sections 457 and 382 of the Indian Penal
Code.

The prosecution case is based on a written report
filed by the informant alleging therein that some unknown
thief's entered into the house of the informant and stolen away
valuable articles and mobile of his daughter-in-law.

Learned counsel appearing on behalf of the petitioner



submits that FIR has been instituted against 3-4 unknown persons. However, during the course of investigation, the name of the petitioner surfaced on the confessional statement of co-accused persons. He further submits that no incriminating material has been recovered from person or possession of the petitioner, apart from the fact that co-accused persons namely, Prince Kumar and Sarvjit Kumar, who have also been made accused in the present case, they have been allowed bail by the learned court below itself. He next submits that only because of the criminal antecedent, his name has been implicated in this case and moreover he is in custody since 06.09.2021, the date on which he was remanded in this case from Piri Bazar P.S. Case No. 81 of 2021.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that petitioner is found involved in three other cases.

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner is neither named in the FIR nor any incriminating material has been recovered from his person or possession and moreover, other co-accused persons have been allowed the privilege of bail by the court below itself and the petitioner is in custody since



06.09.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned chief Judicial Magistrate, Lakhisarai in connection with Surajgadha P.S Case no. 127 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.

(v) 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 cancelling 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.

(Harish Kumar, J)

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