

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52663 of 2022

Arising Out of PS. Case No.-91 Year-2019 Thana- JHANJHARPUR District- Madhubani

MUKESH THAKUR S/o Sachidanand Thakur R/o village- Sarabe, P.S.-
Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 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
Jhanjharpur P.S. Case No. 91 of 2019 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, informant alongwith his
friend was proceeded for attend a marriage on motorcycle. On
the way two unknown miscreants came on motorcycle and
overtook the informant and his friend. It is further alleged that
the miscreants abused and assaulted the informant and snatched
two Samsung mobiles and also took away the motorcycle of the
informant.



Learned counsel for the petitioner submits that petitioner remanded in this case on 02.10.2021 from Araria (R.S.) P.S. Case No. 627 of 2021 and since then he is in custody. Petitioner bears nine criminal antecedents and in most of the cases he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Name of present petitioner has been surfaced on the basis of confessional statement of co-accused Mukesh Kumar Das. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel further submits that no stolen article has been recovered from the possession of the petitioner rather the stolen motorcycle was recovered from the possession of co-accused Mukesh Kumar Das. Co-accused Mukesh Kumar Das, from whose possession recovery has been made, has already been granted bail vide Cr. Misc. No. 72059 of 2019 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing as nothing has been recovered from the conscious possession of the petitioner. No T.I. Parade has been conducted till today.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedents of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, co-accused has already been granted bail, nothing has been recovered from the conscious possession of the petitioner 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 ACJM – I, Jhanjharpur, District Madhubani in connection with Jhanjharpur P.S. Case No. 91 of 2019, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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