

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70326 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Jitendra Thakur @ Jhunjhun Thakur, Son of Sri Satrugan Thakur Resident of
village - Kushi Harpur Ramni, P.S.- Kanti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjana, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 08-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sessions Trial No.174/2021 arising out of Motipur P.S.
Case No.41/2020 instituted under Sections 395 IPC.

It is a case of loot of the Bank in which it is alleged
that Rs.13,53,810/- was looted from the Bank of India, Motipur
Branch, Muzaffarpur. The petitioner is alleged to be one of
them. The case was registered against unknown by the Branch
Manager, Mr. Amarjeet Kumar Singh.

Learned counsel for the petitioner submits that during
the course of the investigation, one Rajnish Thakur @ Appu was
arrested and on whose confessional statement, the name of the



petitioner cropped up and accordingly he too was arrested. As per the investigation incorporated in the case diary, the petitioner made confession that he was part of the crime and he was given Rs.3000/- with the assurance that later the amount will be distributed equally between them. It is surprising that despite his alleged confession before the police, the I.O. failed to raid his house and recovered/seized the looted amount as confessed by the petitioner as no such fact as has been incorporated in the case diary.

Learned APP has gone through the different paragraphs of the case diary and has failed to locate any paragraph attributed to the raid of the police to the house of the petitioner for the recovery of amount which the petitioner had alleged to have received.

Learned counsel for the petitioner submits that his name come in the confessional statement of co-accused Rajnish Thakur @ Appu and he has been remanded from a different case on 03.02.2021 (as stated in para-1 of the bail application), only because he has ten criminal cases registered against him. He lastly submits that some of the other co-accused have since been granted bail vide Cr. Misc. No.5694 of 2021 on 12.04.2021, Cr. Misc. No.12910 of 2021 on 17.06.2021, Cr. Misc. No.11335 of



2021 on 08.07.2021, Cr. Misc. No.14253 of 2021 on 01.09.2021, Cr. Misc. No.14278 of 2021 on 07.09.2021 and Cr. Misc. No.31720 of 2021 on 26.08.2021.

Taking into account the fact that the name of the petitioner has come in the confessional statement of the co-accused Rajnish Thakur @ Appu, who has been since been granted the privilege of bail vide Cr. Misc. No.5694 of 2021 on 12.04.2021, the police failed to raid the house the petitioner and recover/seize the alleged looted amount, he is in custody since 03.02.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail with strict conditions in view of the fact that he has ten criminal cases registered against him.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Sessions Trial No.174/2021 arising out of Motipur P.S. Case No.41/2020 to the satisfaction of learned XIXth Additional Sessions Judge, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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