

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71009 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- CIVIL LINE District- Gaya

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Ankit Kumar @ Aryan Son Of Late Uttam Prasad Barnwal @ Uttam Kumar
Resident Of Mohalla - Nadraganj, Malha Toli Lalo Gali, Gaya, P.S.- Civil
Lines, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Pranav Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Civil Lines P.S. Case No. 337 of 2020
registered for the offences punishable under Sections 379 and
411 of the Indian Penal Code. He is in custody since
09.09.2020. The petitioner has got six criminal antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, the A.S.I. of Civil Lines P.S. received a
secret information at about 02:00 P.M. that some unknown
persons were wondering near Nadraganj Masjid. It is further



alleged that on receiving such information he along with other police personnel reached there and saw that 6-7 persons were coming towards Mazar, then they were surrounded and three persons were apprehended including this petitioner and others managed to escape. On search from possession of the petitioner two master keys and a key of Hero motorcycle were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has remained in custody since 09.09.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has remained in custody for one year 9 months approximately in connection with this case and the co-accused similarly situated has been granted bail by this Court in Cr. Misc. No. 8760 of 2021, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Gaya in connection with Civil Lines P.S. Case



No. 337 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

And further condition that henceforth the petitioner shall mark his attendance in Civil Lines Police Station in the District of Gaya during pendency of the trial in the present case once in every two months and his attendance be recorded by the SHO of Civil Lines Police Station with complete details and whereabouts and the petitioner shall also provide his mobile number. In case the petitioner is required to go outside the jurisdiction of the police station in connection with any employment etc. he will keep on furnishing information to the SHO of Civil Lines Police Station with his address of stay outside.

Considering the criminal antecedents of the petitioner, this Court further observed that in case the petitioner



is found indulging in another offence of similar nature, the SHO of Civil Lines Police Station shall file an appropriate application seeking cancellation of bail of the petitioner.

The application stands disposed of accordingly.

Let a copy of this order be sent to the Superintendent of Police, Gaya.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

