

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59595 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- LAKHISARAI District- Lakhisarai

ABHINAV KUMAR @ SONU SON OF ARUN SINGH @ ARUN KUMAR
SINGH R/O VILLAGE- KHETALPURA, P.S.- SARE, DISTRICT-
NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Pravin Kumar, Adv.
For the Informant	:	Mr.N.K. Agrawal, Sr. Adv. Mr. Ram Pravesh Kumar, Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv.
For the State		Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Lakhisarai (Kawaya) P.S. Case No. 92 of 2022 registered for the
offences punishable under Sections 406, 420, 506, 34 of the
Indian Penal Code.

As per prosecution case, some unknown persons
entered into the house of the informant and told that they are
Income Tax Officials and thereafter they started searching his
house. The accused persons took away rupees twenty lacs
alongwith gold jewellery.



Learned counsel for the petitioner submits that petitioner is in custody since 04.02.2022 and bears criminal antecedent of two cases. Learned counsel further submits that petitioner is not named in the FIR but during course of the investigation name of petitioner has been surfaced on the confessional statement of co-accused Chandan Kumar. Learned counsel further submits that alleged recovery of Rs. 2,50,000/- has been wrongly considered to be the proceeds of crime and as a matter of fact, the said recovery has been made from joint house. Learned counsel further submits that earlier bail of present petitioner has been rejected vide Cr. Misc. No. 24371 of 2022 by this Court with direction to renew the prayer of bail after framing of charge. Learned counsel further submits that charge has already been framed by the learned trial court which is evident from Annexure-3 of the bail petition.

Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for bail of the petitioner submitting that Rs. 2,50,000/- has been recovered from the possession of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, taking into consideration the material available on record



as well as this aspect of the matter that charge has already been framed, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kawayaya) P.S. Case No. 92 of 2022, 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) However, if petitioner violates any of the conditions enumerated above, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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