

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64735 of 2022

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

KUSH KUMAR @ CHHOTU S/O Anil Kumar @ Anil Kumar Singh R/O
Village- Karki, P.S- Ariari, District- Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh Mr. Pankaj Kumar Mr. Niranjan Kumar
For the Informant/s		Mr. N.K. Agrawal Mr. Ram Pravesh Kumar Mr. Rajeev Ranjan
For the Opposite Party/s	:	Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2022 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, learned A.P.P. for the State and learned counsel for the informant.

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

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 no criminal antecedent. He further submits that the name of present petitioner has been transpired in the present case during the course of investigation upon the confessional statement of co-accused Chandan Kumar. Learned counsel further submits that alleged recovery of Rs. 1,20,000/- 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 prayer of present petitioner has been rejected vide Cr. Misc. No. 24371 of 2022 and other analogous case 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-4 of the bail petition. He further submits that co-accused Abhinav Kumar has already been granted bail vide Cr. Misc. No. 59595 of 2022 by this court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for bail of the



petitioner submitting that Rs. 1,20, 000/- has been recovered from the possession of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has been granted bail on similar allegation as well as this aspect of the fact that charge as already been framed, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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 C.J.M. ,Lakhisarai in connection with Lakhisarai (Kabiya) 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.

(Alok Kumar Pandey, J)

vashudha/-

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