

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20739 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

1. Anil Kumar @ Anil Mahto S/O Late Ramashish Mahto Resident of Village- Math Laxmanpur, Koiri Tola P.S.- Alamganj, District- Patna, Presently residing near Deepu Public School as tenant P.S.- Jakkanpur (Mithapur), District- Patna.
2. PANKAJ KUMAR @ PANKAJ MAHTO S/O ASHOK MAHTO Resident of Village- Math Laxmanpur, Koiri Tola P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35027 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

Sonu Kumar @ Do Rupewa Son Of Ashok Kr. Das Village Mogalpura, Chhatapur, Patna City, P.S. Khajekalan, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20739 of 2023)

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 35027 of 2023)

For the Petitioner/s : Mr. Kailash Prasad Swarnkar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since
14.11.2022, in connection with Sri Krishnapuri P.S. Case No.



196 of 2022, F.I.R. dated 15.05.2022 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against unknown.

Learned counsel for the petitioners submits that the petitioners namely Anil Kumar and Pankaj Kumar carry six more cases other than the present one whereas petitioner namely Sonu Kumar @ Do Rupewa carry ten more cases other than the present one in which all of them are on bail. He further submits that the petitioners are innocent and they have been falsely implicated in the present case merely on the basis of suspicion and previous criminal antecedent of the petitioners. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the self confessional statement of the petitioners and other co-accused persons. He further submits that nothing has been recovered from the conscious possession of the petitioners or the house of the petitioners rather recovery has been made from the wife of co-accused namely Ravi Kumar and shop of Ravi Kumar. They further submits that the petitioners were remanded in the present case



from Shri Krishnapuri P.S. Case No. 201 of 2022 on 14.11.2022 and except the aforesaid confessional statement of the petitioners and other co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvements of these petitioner in the present occurrence. He further submits that co-accused namely Jyoti Kumari has been granted bail by a Coordinate Bench of this court vide order dated 23.12.2022 passed in Cr. Misc. No. 55135 of 2022 and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 14.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna in connection with Shri Krishnapuri P.S. Case No. 196 of 2022, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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