

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30473 of 2023

Arising Out of PS. Case No.-51 Year-2021 Thana- PIPRAHI District- Sheohar

Kamlesh Rai @ Kamlesh Kumar Son Of Lakshman Rai R/V Bhandari, P.S.
Belsand, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 09.03.2021, in connection with Sessions Trial No. 14 of 2022 arising out of Piprahi P.S. Case No. 51 of 2021, F.I.R. dated 09.03.2021 registered for the offences punishable under Sections 395, 412, 120(B) of the Indian Penal Code.

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

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional



statement of co-accused persons namely Shivendra Kumar Singh @ Shibbu Singh and Kamlesh Rai. He further submits that till date no test identification parade was conducted by the prosecution and one looted motorcycle has been recovered from the joint house property of the petitioner on the basis of disclosure made by co-accused persons namely Shivendra Kumar Singh @ Shibu Singh. He further submits that co-accused person namely Kundan Kumar @ Kundan Kumar Thakur has been granted bail by a Coordinate Bench of this Court vide order dated 13.05.2022 passed in Cr. Misc. No. 72576 of 2021, another co-accused person namely Sivendar Kumar @ Shivendu Kumar Singh @ Shibu who disclosed the name of the petitioner has also been granted bail by a Coordinate Bench of this Court vide order dated 01.05.2023 passed in Cr. Misc. No. 72282 of 2022, another co-accused person namely Sunil Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 02.03.2022 passed in Cr. Misc. No. 57651 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.05.2021.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner on the ground that the recovery has been made from the joint house property of the petitioner and apart from the aforesaid the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case and the period of custody, 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 Sessions Judge, Sheohar in connection with Sessions Trial No. 14 of 2022 arising out of Piprahi P.S. Case No. 51 of 2021, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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