

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32944 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- SAKRA District- Muzaffarpur

ANKIT KUMAR THAKUR @ ANKIT THAKUR S/o Sri Krishnakant
Thakur R/o village- Rampur Bahgel, P.S.- Desari (O.P. Sahdai), District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Prabhakar
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-01-2023 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 and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Sakra P.S.
Case No. 404/2021 registered for the offences punishable under
Section 392 of the Indian Penal Code.

As per prosecution case, on 13.08.2021 the informant
alongwith Avinas Kumar were going to deposit money in Bank
of India in Sakra branch and when they reached near Saija
Finance Office, his vehicle was stuck in the mud, in the
meantime, two unknown miscreants came and put pistol on
them and they snatched the bag of money containing



Rs.7,51,000/- and their mobile phones and fled away from the place of occurrence. All miscreants were aged about 25-30 years and they had covered their faces with mask.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of petitioner surfaced in this case on the basis of confessional statement of co-accused Manish Kumar. Except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. The petitioner has been remanded in this case on 01.12.2021 from Muffasil P.S. Case No. 369/2021 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of six cases and he is on bail in five case except one case. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner and the petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, 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 **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-12th, Muzaffarpur in connection with Sakra P.S. Case No. 404/2021, 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.

(Alok Kumar Pandey, J)

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