

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33925 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- DESARI District- Vaishali

SUKESH KUMAR @ SUKESH RAI @ SUKESH RAY son of Panchu Ray
@ Paanchu Ray Village- Lakhanpur Tol, PO- Desari Ps- Desari Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Desari P.S. Case No.30 of 2022 instituted under Section 395 of the IPC lodged on 18.01.2022 by the informant Renu Kumari.

As per the FIR, when the informant was sleeping in her house, unknown five criminals entered into the house and after tying her hands and feet, opened Almirah and took away one lac twenty thousand rupees as also the gold, ornaments as well as mobiles and T.V. and other items. Accordingly, the FIR.

Learned counsel for the petitioner submits that although he is in custody since 03.01.2023 (para-12 of the petition), neither any TI parade has been done nor anything has



been recovered from his conscious possession. His name has come in the confessional statement of Rohit Kumar @ Ashutosh Kumar. The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and is in custody since 03.01.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Desari P.S. Case No.30 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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