

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33293 of 2022

Arising Out of PS. Case No.-41 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Bittu Thakur @ Abhishek Kumar Son of Late Yaduvansh Thakur Resident of
Village - Kushi Harpur, Ramani, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
03.02.2021 in connection with S. Tr. No. 174 of 2021 arising out
of Motipur P.S. Case No. 41 of 2020, F.I.R. dated 17.02.2020
for the offences punishable under Section 395 of the Indian
Penal Code.

According to prosecution case, six miscreants lashed
with weapons entered into the bank and they put pistol on
Branch Manager and on other staff of the Bank and looted Rs.
13,53,810/- and they also snatched mobile phones of the



customers who were present there.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been 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 the confessional statement of the co-accused, namely, Rajnish Thakur which was recorded in other case being Muzaffarpur Sadar P.S. Case No. 219 of 2020 and on the basis of the confessional statement of the co-accused person, the petitioner and other accused persons have been implicated in the present case and thereafter, the self confessional statement of the petitioner was recorded and on the basis of that one loaded country made pistol and two cartridges have been recovered for which separate case was instituted being Kanti P.S. Case No. 354 of 2020. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner. The petitioner is in custody since 03.02.2021.

Vide order dated 07.04.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 11.04.2023 reveals that the charge has already been framed against the petitioner and the case is pending at the stage



of prosecution evidence and till date the prosecution has not examined any witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twelve criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- XIX, Muzaffarpur in connection with S. Tr. No. 174 of 2021 arising out of Motipur P.S. Case No. 41 of 2020, 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 witnesses, 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 antecedent, 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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