

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47078 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

LOKESH KUMAR @ LOKESH RAI Son of Ramadhar Rai @ Ramadhar Ray Resident of village - Bijhdari Nijamat, P.S.- Kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mr.Abhishek Kumar, learned counsel for the petitioner and Mr.Md. Ataur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chakia P.S. No.213 of 2022, FIR dated 26.05.2022 registered for the offences punishable under Section 395 of IPC.

3. The FIR of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the



basis of the confessional statement of co-accused person, namely, Vivek Kumar. Further submits that except the confessional statement of accused person, namely, Vivek Kumar, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from conscious possession or the house of the petitioner.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner is not named in the FIR, petitioner has clean antecedent, nothing has been recovered from conscious possession or the house of the petitioner and his name has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Vivek Kumar, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakia P.S. No.213 of 2022,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

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

(III) 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/her 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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