

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39049 of 2023

Arising Out of PS. Case No.-300 Year-2017 Thana- BIBHUTIPUR District- Samastipur

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Ankesh Kumar @ Maikal @ Maykal Son Of Bhushan Kumar
Rajak@Jawahar Rajak Resident Of Village - Simari, Ps- Vidyapatnagar,
Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy
For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Bibhutipur P. S. Case No. 300 of 2017, registered for the

offences punishable under Sections 379 of 411 of the Indian

Penal Code.

As per allegation, the motor-cycle of the informant

was stolen from his sasural.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that petitioner is not named in the

F.I.R. nor any recovery of the alleged case property has



been made from his possession. He also submits that co-accused from whom recovery of the case property has been made has already been enlarged on bail by a Co-ordinate Bench of this Court *vide* order dated 26.04.2018, passed in Cr. Misc. No. 18535 of 2018.

He further submits that the petitioner has been languishing in jail since 04.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in ten other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional



Chief Judicial Magistrate, Rosera, Samastipur, in connection with Bibhutipur P. S. Case No. 300 of 2017 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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