

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42407 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- MEDNI CHAUKI District- Lakhisarai

Karamvir Kumar Son of Visheshwar Mahto, Resident of Village - Deoghara,
Chandra Tola, P.O. - Amarpur, P.S. - Medani Chauki, District - Lakhisarai
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 15.09.2022 in connection with Medani Chauki P.S. Case No. 121 of 2022, F.I.R. dated 13.09.2022 for the offences punishable under Section 395 of the Indian Penal Code.

3. According to prosecution case, as per F.I.R., five miscreants entered into the house of the informant and on pistol point and knife looted jewellerys after tying the hands of the informant and his sister.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the during investigation on the basis of disclosure made by spy and



thereafter, self confessional statement of the petitioner was recorded.

5. Pursuant to the order dated 14.07.2023 a report was called from the Superintendent of Police, Lakhisarai with respect to the T.I. Parade with regard to the looted articles which have been recovered from the possession of the petitioner and other co-accused persons.

6. Pursuant to the order dated 14.07.2023, a report dated 03.08.2023 of the Superintend of Police, Lakhisarai received and bare perusal of report of the Superintend of Police, Lakhisarai alongwith TIP chart enclosed with the letter dated 03.08.2023, it reveals that TIP was conducted on 27.09.2022 in the premises of the Civil Court, Lakhisarai in accordance with rule/law and all the articles have been identified by the family members of the informant.

7. Learned counsel for the petitioner further submitis that the similarly situated, co-accused, namely, Parsa @ Rampravesh Bind @ Rampravesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 23873 of 2023, another co-accused namely, Banti Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated



10.05.2023 passed in Cr. Misc. No.6247 of 2023 and another co-accused person namely, Sunil Kumar @ Yugal has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 12.05.2023 passed in Cr. Misc. No.17418 of 2023 and the case of the petitioner is in similar footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.09.2022.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Hon'ble Court, 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 Sri Deobrat Kumar, learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Medani Chauki P.S. Case No. 121 of 2022, 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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