

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50927 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- SABAUR District- Bhagalpur

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KAILASH TANTI @ KAILASH KUMAR @ KAILA TANTI SON OF
BAISAKHI TANTI R/O-MAMALKHA, P.S.-SABOUR, DISTT.-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankit Raj, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 23.04.2023 seeks
bail, in connection with Sabour P.S. Case No.381/2022, dated
19.09.2022, for the offences punishable under Sections 392/411 of
the IPC.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated in
the present case. He further submits that the petitioner is not named
in the F.I.R. The name of the petitioner has been transpired during
investigation on the basis of confessional statement of the co-
accused, namely, Pankaj Kumar, who is brother of the petitioner and
from his possession, one looted mobile has been recovered and



merely on the basis of CDR location, the petitioner has been implicated in the present case on the ground that he was in regular touch with co-accused Pankaj Kumar and no incriminating article has been recovered from the possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Pankaj Kumar has been granted bail by this Court vide order dated 18.04.2023 passed in Cr. Misc. No.165/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Sri M.N.Pandey, J.M.1st Class, Bhagalpur in connection with Sabour P.S. Case No. 381/2022, 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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