

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50587 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Chandan Kumar, S/o Baiju Saw, Resident of Mohalla - Shalimpur Ahra, P.S.-
Kadamkuan, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Durgesh Nandan, Advocate Ms. Manisha Prakash, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 15-02-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks bail in connection with
Lakhisarai (Kawaya) P.S. Case No. 92 of 2022 registered for the
offences punishable under Sections 406, 420 and 506 read with
34 of the Indian Penal Code.

The accused/petitioner is not named in the first
information report and is in custody since 04.02.2022.

The allegation against the petitioner is to conduct a
fake raid along with unknown co-accused persons projected
them as Income-tax officials and while conducting such fake
raid and searching the house of informant, took away cash to the
tune of Rs.20 lakhs along with some gold jewellery belongs to
the informant and his family members.

It is submitted by the learned counsel for the



petitioner that the petitioner has falsely been implicated in present case merely on the basis of suspicion. It is further submitted that name of the petitioner transpired in this case on the basis of confessional statement of co-accused, namely, Sumit Kumar, in furtherance of which, nothing incriminating material has been recovered/surfaced during the course of investigation, which may connect the petitioner with present set of occurrence. It is further submitted that the said co-accused Sumit Kumar has already been granted bail by learned co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No.50040 of 2022. It is further submitted by the learned counsel for the petitioner that cash amounting to Rs.21,000/- was alleged to be recovered from the possession of this petitioner, to which, he claimed to be his own money and certainly in want of details and denominations, the recovered currency/money from the possession of the petitioner be not connected with the alleged looted money.

Learned counsel for the petitioner further submitted that as per his information, only 4-5 witnesses were examined till now and, as such, the trial of the case may take a long time even now. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover,



investigation of the case has been completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP for the State being duly assisted by learned counsel for the informant, submitted that the trial of the case is under progress, where a report was required to be available as per order dated 08.02.2023 of this Court. He submitted that as per his best information, not even a single witness has been examined in this case, till now.

Considering the above-mentioned facts and circumstances of the case and by taking note of the fact that recovered currency notes is without any details and denominations having no *prima facie* link with the alleged recovered looted currency, coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Lakhisarai in connection with Lakhisarai (Kaway) P.S. Case No.92 of 2022, subject to the following conditions:-

(i) That one of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) That petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Chandra Shekhar Jha, J.)

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