

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53649 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- LAKHISARAI District- Lakhisarai

SHUBHAM KUMAR Son of Deepak Yadav Resident of Village-Jurabaganj,
P.S.-Kodha, District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is an accused in connection with Lakhisarai (Kabaiya) P.S. Case No. 136 of 2023 registered for the offences under sections 411, 413, 468, 471 and 401 of the Indian Penal Code lodged on 22.02.2023 by the informant, Kumar Sanjeev.

As per the prosecution story, police upon secret information, intercepted some persons standing outside State Bank Of India, Main Branch and upon sight of police, they tried to escape but apprehended, the petitioner being one of them. Further after search, scouring powder were recovered from the 'dicky' as also some money and instruments for breaking the 'dicky'. Accordingly, the FIR.

It is the case of the petitioner that he had gone there to



withdraw money, the police apprehended and made a story for which he has already suffered by being in custody since 22.02.2023 (as stated in paragraph 13 of the bail application). It is his further submission that no stolen article has been recovered from his conscious possession.

The last submission is that Dharam Yadav who was also apprehended along with him has since been granted bail in Cr. Misc. No. 49223 of 2023 by a co-ordinate bench.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

Considering the submissions put forward by the learned Counsel for the petitioner, is in custody since 22.02.2023 and one of the co-accused, Dharam Yadav has since been granted bail, as stated above, this Court is also inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 136 of 2023, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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