

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53802 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- LAUKAHI District- Madhubani

1. KAMLESH KUMAR THAKUR @ KAMLESH KUMAR SON OF VISHNU DEV THAKUR RESIDENT OF VILLAGE - MANSAPUR, P.S. - LAUKAHI, DISTRICT - MADHUBANI
2. PANKAJ PATHAK @ PANKAJ KUMAR PATHAK SON OF BHAROSI PATHAK @ BHAROSI KUMAR RESIDENT OF VILLAGE - MANSAPUR, P.S. - LAUKAHI, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55452 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- LAUKAHI District- Madhubani

AJAY RAM SON OF BUDHU RAM RESIDENT OF VILLAGE - MANSAPUR, P.S. - LAUKAHI, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53802 of 2023)

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 55452 of 2023)

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioners are accused in connection with
Laukahi P.S. Case No. 130 of 2023 (G.R. No. 845 of 2023)
registered for the offences under sections 457 and 380 of the
Indian Penal Code lodged on 13.05.2023 by the informant,
Nabonath Pathak.

As per the prosecution story, a theft was committed



in the house of the informant in which the cash, clothes, mobiles as also ornaments were stolen. He had strong apprehension about the accused persons-petitioners behind the said theft. Accordingly, the FIR.

It is the case of the petitioners that they are agnates, implicated in the case, nothing has been recovered from their conscious possession and only because of land dispute they have been dragged, as a result whereof they are in custody since 17.05.2023 (as stated in paragraph 13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the submissions put forward by the learned Counsel for the petitioners, nothing has been recovered from them, are in custody since 17.05.2023 and there is a land dispute between the parties, this Court is inclined to extend them privilege of bail.

Let the petitioners 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 A.C.J.M. Ist, Jhanjharpur, District-Madhubani in connection with Laukahi P.S. Case No. 130 of 2023 (G.R. No. 845 of 2023), subject to the following conditions:-



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

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 their bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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