

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58452 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- DESARI District- Vaishali

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KARTIK KUMAR @ ANKAHE @ AANKHE SON OF CHANDRADEEP
MAHTO RESIDENT OF VILLAGE- DESARI, PS- DESARI, DIST-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Desari P.S. Case No. 30 of 2022 for the offence under section 395 of the Indian Penal Code lodged on 18.01.2022 by the informant, Renu Kumari.

3. As per the prosecution story, the accused persons after tying the hands and legs of the informant while covering their faces with 'Gamchha' took away Rs. 1,20,000/-, T.V. as also ornaments which led to lodging of the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, his name has come in the confessional statement of Rohit Kumar who has since been granted bail by a co-ordinate Bench vide Cr.



Misc. No. 43262 of 2022 on 13.02.2023 (Annexure-2/1 to the petition).

5. The last submission is that he is in custody since 24.01.2022 (as stated in paragraph 1 of the petition).

6. Learned APP opposes the prayer for bail stating that the accused persons looted the belongings of the informant after tying their hands and legs.

7. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that the person on whose confession the petitioner came into custody has since been granted bail, as stated above, nothing has been recovered from his conscious possession and is in custody since 24.01.2022, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M., Vaishali at Hajipur, in connection with Desari P.S. Case No. 30 of 2022 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/her 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 one year to mark his 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 the 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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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