

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68150 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Santosh Kumar @ Jhaba @ Sanatan Kumar Son Of Bhim Ram Resident Of
Nabab Ganj Barna, P.S. - Surajgarha, District - Lakhisarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr.Rajesh Kumar, learned counsel for the

petitioner and Mr.Nagendra Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Lakhisarai P.S.Case No.04 of 2023, FIR dated 01.01.2023 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the allegation made in the FIR, the petitioner along with the other co-accused persons committed loot of Rs.5,000/- and a mobile phone. One co-accused Raj Kumar was arrested and taken into police custody where he disclosed the name of six other co-accused persons including



the petitioner, who had fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of the disclosure made by co-accused person, namely, Raj Kumar. Further submits that except the disclosure made by co-accused person, namely, Raj Kumar, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and similarly situated co-accused person, namely, Mukesh Dharhi @ Mukesh Kumar, his name also come on the basis of the disclosure made by co-accused person, namely, Raj Kumar, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 19.08.2023 passed in Cr. Misc. No.52189 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S.Case No.04 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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