

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71737 of 2022**

Arising Out of PS. Case No.-38 Year-2021 Thana- DESARI District- Vaishali

Lekha Kumar Son of Dinesh Ray Resident of Village- Baharampur, P.S.-  
Raghopur (Rustampur O.P.), District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      29-04-2023                      Heard learned counsel for the petitioner and Mr.  
Kumar Ranjit Ranjan, learned APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Desari P.S. Case No. 38 of 2021 registered on 05.02.2021 for the offences under Section 395 of the Indian Penal Code. The petitioner has no criminal antecedent.

As per the prosecution story, on 04.02.2021 at about 11-12 O' clock in the night, two miscreants came at the house of the informant and told that they are police personnel from Bidupur Police Station and have come to search the informant's house. Taking informant's father into confidence, the miscreants got the door of the informant's house opened. In the meantime, 5-6 persons armed with pistols entered into the house of the informant and took the keys of box and Godrej. They fled away with the jewelry worth Rs. 6,00,000/-. The informant identified



three miscreants namely Gudu Ram, Sudhir Rai and Ajeet Rai.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the co-accused. It is submitted that no recovery has been made from the possession of the petitioner.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused, the informant has specifically named three persons whom he had identified but the petitioner is not named by the informant, no recovery has been made from the possession of the petitioner and there is no other basis for his implication in the present case, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today shall be released on bail in connection with Desari P.S. Case No. 38 of 2021 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-13, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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 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.

This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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