

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8869 of 2023**

Arising Out of PS. Case No.-156 Year-2020 Thana- PAROO District- Muzaffarpur

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Lokesh Kumar @ Lokesh Thakur S/o Late Bindeshwar Thakur @ Late Bindehswar Thakur R/o Village- Fardo Gola, Sir Ganesh Datt Nagar @ Sir Ganesh Dutt Nagar, Road No. - 5, Bhagwanpur, P.S.- Sadar, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar, Advocate  
Mr. Yugal Kishore, Advocate  
For the Opposite Party/s : Mr. Fahimuddin, APP

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

3      10-04-2024                      Heard learned counsel for the petitioner and Mr. Fahimuddin, learned APP for the State.

2. By filing this application, the petitioner has renewed his prayer for bail in connection with Paroo P.S. Case No. 156 of 2020 registered for the offences punishable under Section 395 of the Indian Penal Code. He has got two criminal antecedents and is in custody since 11.09.2020.

3. Earlier his prayer for bail was rejected by this Court vide order dated 25.08.2021 passed in Cr. Misc. No. 12877 of 2021.

4. As per the prosecution story, the Branch Manager of the State Bank of India Lalu Chapra alleged that on 17.03.2020, when he opened the Branch Office, altogether six miscreants entered inside the bank and out of them three persons were standing outside the bank whereas three persons entered inside and on the point of pistol, they looted away Rs.2,53,760/- together with the rubber stamp and



certain stationery which were lying near the cash counter.

5. This Court had rejected the prayer for bail of the petitioner considering that on the basis of confessional statement of the petitioner, money has been recovered from the possession of Appu Thakur and one pistol and three live cartridges were recovered from the possession of the petitioner. This Court directed learned trial court to expedite the trial and observed that in case trial remains unconcluded for one year for no reason attributable to the petitioner, he may renew his prayer for bail.

6. Learned counsel for the petitioner submits that from the learned trial court's report, it would appear that till date, no prosecution witness has deposed and there is no progress in the case. In the meantime, the petitioner has remained in custody for three years seven months.

7. Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the earlier observations of this Court and the uncontroverted submission of learned counsel for the petitioner that the petitioner has remained in incarceration for three years and seven months but till date, no prosecution witness has turned up and the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail in connection with Paroo P.S. Case No. 156 of 2020 on furnishing bail bond 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. 3<sup>rd</sup>, West Muzaffarpur, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

8. And further condition that in course of trial, the petitioner shall keep on presenting himself before the learned trial court on the date fixed in the matter and shall co-operate with the trial. If he remains absent on two consecutive dates without there being any cogent reason, the trial court shall take appropriate steps for cancellation of his bail bond.

9. 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.

10. This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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