

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15427 of 2024

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Kishlay Kumar @ Kishlay Singh S/O Late Manoj Kumar R/O Mohalla-
Bajrang Vihar, Kolhra Bairia, P.S- Ahiyapur, Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the State : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-08-2024 Heard Mr. Onkar Nath, learned counsel for the

petitioner and Md. Mushtaque Alam, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
02.12.2023, in connection with Muzaffarpur Sadar P.S. Case
No. 100 of 2019 (G.R. No.-673/2019), F.I.R. dated 06.02.2019
registered for the offence under Sections 395 and 397 of the
Indian Penal Code but the Police after investigation submitted
the charge-sheet under Sections 395, 397, 412 and 120(B) of the
Indian Penal Code.

3. As per the prosecution case, six unknown
miscreants have committed dacoity in the Mothoot Finance
Company Ltd. Branch situated at Bhagwanpur Chowk and are



said to have taken away gold and cash amount of Rs. 2,00,000/- from the strong room.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Alok Kumar Pathak. He further submits that nothing has been recovered from the conscious possession or from the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused person, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner has been remanded in the present case on 02.12.2023 and other co-accused person, namely, Alok Kumar Pathak has already been granted bail by a co-ordinate Bench of this Court vide order 24.11.2020 passed in Cr. Misc. No. 30278 of 2020 and co-accused person, namely, Manish Kumar has also been granted bail by this Court vide order dated 10.12.2021 passed in Cr. Misc. No. 40331 of 2021.



5. Learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired during the investigation and apart from that the petitioner carries six cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 100 of 2019 (G.R. No. 673/2019) with the 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 canceled 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.



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.

(Rajesh Kumar Verma, J)

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