

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26334 of 2024

Arising Out of PS. Case No.-381 Year-2022 Thana- ROSERA District- Samastipur

Kaushal Thakur S/O Shyam Thakur R/O Village- Matihani, P.S- Matihani,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Amar Kumar Singh, learned counsel for
the petitioner and Mr. Satya Nand Shukla, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
03.04.2023, in connection with Rosara P.S. Case No. 381 of
2022, F.I.R. dated 11.11.2022 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
and Section 25(1-B)(a), 26, 35 of the Arms Act.

3. Allegation against the petitioner is that he along
with other co-accused persons were assembled near Rosera
Mahathi Bridge at Muktidham for committing loot crime and
with the held of police escort party two miscreants were caught
and they have stated their names as Badal Singh and Pawan
Kumar from which one loaded country made pistol was



recovered from Jeans pant of Badal Singh and also one country made pistol and one black colour of Lava Mobile were recovered from the possession of Pawan Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused persons namely Badal Singh and Pawan Kumar. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and petitioner has been made accused in the present case merely on the ground that the petitioner has previous six criminal antecedents. He further submits that co-accused person namely Prince Kumar @ Prins Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 40817 of 2023, another co-accused person namely Abhishek Kumar @ Ankit Kumar Mahto has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 43319 of 2023, co-accused person namely Pawan Kumar @ Pavan Kumar has been granted regular bail by this Court vide order dated 23.05.2023 passed in Cr. Misc. No.



25294 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that co-accused persons have disclosed the name of the petitioner and apart from that the petitioner carries six more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of six cases, the petitioner is on bail in five cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Rosera, Samastipur in connection with Rosera P.S. Case No. 381 of 2022, subject to the following conditions :-

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



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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