

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29984 of 2024

Arising Out of PS. Case No.-257 Year-2022 Thana- LAKHNAUR District- Madhubani

Mukesh Kumar Son of Amirak Prasad Resident of Village - Loharpura, P.S.-
Kadirganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Lakhnaur (RSOP) P.S. Case No. 257 of 2022 dated 22.11.2022,
lodged under Section 395 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against 8-10 unknown accused persons against whom there is an
allegation that they have entered into the house of the informant
and committed *dacoity* on gun point and also looted cash
amounting to Rs.25,000/- and ornaments worth Rs. 4 to 5 lacs.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner has been remanded in the present
case at the instance of the police when he was in custody in



another case. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are three criminal cases pending against him in which in all the cases, he is on bail. The petitioner is in custody since 20.05.2023 in the present case. Counsel submits that nothing incriminating has been recovered from the petitioner's possession and his name has been figured in this case only by virtue of the confessional statement of the co-accused to whom bail has been granted.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that the petitioner's name has been figured in this case only by virtue of the confessional statement of the co-accused and it is also true that nothing has been recovered from the petitioner's possession. But, recovery of looted articles has been made from the confession of the same co-accused who has disclosed the name of the petitioner and therefore, his confessional statement cannot be ignored as the said confessional statement of the co-accused is corroborative by virtue of recovery of the looted articles.

6. Upon specific query of the Court from the counsel for petitioner that what is the stage of the trial, counsel submits that he is not in a position to inform to this Court about the stage of the trial.



7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Lakhnaur (RSOP) P.S. Case No. 257 of 2022, pending before the learned Additional Chief Judicial Magistrate-1, Jhanjharpur, Madhubani is **hereby rejected.**

9. Liberty is hereby granted to the petitioner that he may renew his prayer for bail three months after framing of charge, if not framed.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

