

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44171 of 2024

Arising Out of PS. Case No.-129 Year-2020 Thana- MOKAMAH District- Patna

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Ajit Kumar @ Lola Son of Late Rajesh Mahto Resident of Village - Dhourani
Tola, Police Station - Mokama, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2024 Heard Mr. Aryan Singh, learned counsel for the

petitioner and Mr. Madan Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.10.2020 in connection with Mokama P.S. Case No. 129 of
2020, F.I.R. dated 30.06.2020 for the offences punishable under
Sections 392 and 365 of the Indian Penal Code.

3. According to prosecution case, four miscreants on
two bikes intercepted the informant and his friend and on the
point of pistol they abducted the informant's friend namely,
Indrajit Kumar and also took the belongings of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present 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 investigation on the basis of the confessional statement of the co-accused, namely, Sumit Kumar. He further submits that some articles of Indrajit Kumar (victim) was recovered from the possession of the petitioner. He further submits that although some articles have been recovered from the possession of the petitioner but till date the said articles were not put on TIP. The petitioner is in custody since 15.10.2020 i.e. more than 4 years.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the belonging of the informant has been recovered from the possession of the petitioner and apart from that the petitioner carries 12 criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, nature of allegation as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Barh in connection with Mokama P.S. Case No. 129 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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