

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77662 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- KAMTAUL District- Darbhanga

Amit Kumar Thakur @ Nepalo @ Nepali Son of Shri Ram Dayal Thakur
Resident of Village - Brahmpur, P.S. - Kamtaul, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-11-2024

Heard the parties.

2. The petitioners are in custody in connection with Kamtaul P.S. Case No. 155 of 2024 for the offence punishable under sections 379 of the Indian Penal Code lodged on 10.06.2024 by the informant, Shatrudhan Kumar Shah.

3. As per the prosecution story, the informant alleged that his motorcycle was taken away by unknown persons which led to the FIR.

4. Learned counsel for the petitioners submit that because of his criminal antecedent, implicated. Nothing has been recovered from his conscious possession and one Laddu @Sundaram was apprehended who confessed to the crime and gave his name. Further, the recovery/seizure is from the possession of Ankit Kumar Mishra (petitioner in Cr. Misc. No.



78138 of 2024). Both are in custody since 16.08.2024 (para 11 of the petition). It is his further submission that one of the similarly placed co-accused, Vivek Kumar from whom nothing was recovered has been granted relief in Cr. Misc. No. 77841 of 2024.

5. Let the same be kept on record.

6. Learned APP opposes the prayer for bail submitting that his name has come in the confessional statement.

7. Taking into account the submissions put forward by the parties as also the fact that there is recovery from Ankit Kumar Mishra, his bail application stands rejected.

8. So far as the petitioner, Amit Kumar Thakur is concerned, considering all the aforesaid facts including that nothing has been recovered from his conscious possession and one of the similarly placed co-accused, Vivek Kumar has since been granted relief, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Kamtaul P.S. Case No. 155 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for two years to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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