

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81414 of 2024

Arising Out of PS. Case No.-578 Year-2021 Thana- DHAKA District- East Champaran

Keshaw Kumar S/o Prashuram Kumar @ Parsuram Thakur @ Parshuram Singh, Resident of Village - Gorgawa, P.S. - Kundwa Chainpur, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-11-2024 Heard Mr. Madhurendra Kumar, the learned counsel for the petitioner and Mr. Mohammad Sufyan, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 12.10.2023, in connection with Dhaka P.S. Case No. 578 of 2021, FIR dated 30.11.2021, registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. According to the prosecution case, some unknown persons stole cloths, ornaments and laptop worth Rs. 10,00,000/- (rupees ten lakhs only) from the house of the informant. It is further alleged by the cousin brother of the informant that he saw co-accused Santosh Thakur alongwith some other persons near informant's house.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and his name transpired on the basis of the confessional statement of the co-accused person namely, Santosh Thakur. He further submits that nothing has been recovered from the conscious possession or house of the petitioner and till date no test identification parade has been conducted by the prosecution. He further submits that the co-accused person namely, Kumar Gaurav @ Gaurav Kumar has been granted the privilege of anticipatory bail by this Court *vide* order dated 10.01.2024 passed in Cr. Misc. No. 80946 of 2023 and another co-accused person namely, Guddu Kumar has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 16.10.2023 passed in Cr. Misc. No. 61593 of 2023. He lastly submits that the police after investigation has submitted the chargesheet against the petitioner and the petitioner is in custody since 12.10.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two more criminal antecedents other than the present one. However,



he fairly admits on the basis of paragraph no. 3 of the bail petition that petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner is not named in the FIR, no test identification parade has been conducted by the prosecution as yet and other similarly situated co-accused persons have been granted the privilege of anticipatory bail by this Court as well as co-ordinate Bench of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Munsif-cum-Judicial Magistrate 1st Class, Sikrahana at Dhaka, East Champaran, Motihari, in connection with **Dhaka P.S. Case No. 578 of 2021**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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)

Shahnawaz/-

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

