

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5563 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- KANTI District- Muzaffarpur

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Kaushal Das SON OF Late Girdhari Das Resident Of Village- Atrar, Ps-
Aurai, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kanti P.S. Case No. 407 of 2023, lodged on 05.06.2023 under
Sections 395, 397 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against five unknown accused persons against whom there is an
allegation that they have entered in the office of a Financial Ltd.
Company and looted Rs.27,42,000/- from the locker of the
Kanti Branch Office and upon *halla*, the unknown miscreants
gave a knife blow to the informant and also took away a laptop.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the FIR itself, it is clear that the



petitioner is not named in the FIR. Counsel further submits that nothing incriminating has been recovered from the possession of the petitioner relating to the present case. Counsel also submits that the said recovery as shown in the rejection order about looted money, arms and NDPS material belongs to other case and not in the present case.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are nine criminal cases pending against him in which in seven cases, he is on bail. The petitioner is in custody since 26.07.2023 in the present case. Counsel further submits that other co-accused person has been granted bail by this Court *vide* order dated 17.02.2024 passed in Cr. Misc. No.7320 of 2024.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and there are nine criminal cases pending against him and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if**



not framed on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, West Muzaffarpur in connection with Kanti P.S. Case No. 407 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.



8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Aurai P.S. Case No. 191 of 2020

(II)- Aurai P.S. Case No. 101 of 2020

(III)- Katra P.S. Case No. 292 of 2019

(IV)- Katra P.S. Case No. 262 of 2018

(V)- Ahiyapur P.S. Case No. 38 of 2020

(VI)- Ahiyapur P.S. Case No. 753 of 2020.

(VII)- Hathauri P.S. Case No. 227 of 2018

(VIII)- Kanti P.S. Case No. 442 of 2023

(IX)- Siwaipatti P.S. Case No. 121 of 2023

(Dr. Anshuman, J.)

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