

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43779 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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1. Raja Kumar @ Raja Kewat Son of Ashok Kewat , R/o Village- Tharthari
Bazar, P.S.- Tharthari, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Tharthari P.S.
Case No. 52 of 2017 (G.R. No. 1317 of 2017) for offences
punishable under Sections 379 and 461 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had closed his mobile shop in the night and in the
morning he found the lock of the shop has been broken and from
the shop computer, mobiles and memory card etc. have been
stolen away.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent,



not named in the F.I.R. and on his extra judicial confessional statement before the police which has no evidentiary value in the eye of law, he has been made accused. He submits that none of the stolen articles have been recovered from the possession of the petitioner as the monitor of Philips Company was recovered from his house which was not alleged to be stolen by the petitioner and neither the Camera of Sony Company was stolen from the informant's shop. He submits that one of the co-accused on similar allegation has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 46696 of 2017 on 21.09.2017 and that the petitioner is languishing in judicial custody since 28.06.2017. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Hilsa (Nalanda) in connection with



Tharthari P.S. Case No. 52 of 2017 (G.R. No. 1317 of 2017),
subject to the conditions that:

- (1) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (2) The petitioner will not induce any witness or tamper with the evidence.
- (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

(Nilu Agrawal, J)

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