

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67843 of 2019

Arising Out of PS. Case No.-108 Year-2019 Thana- RUPASPUR District- Patna

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ROHIT @ ROHIT KUMAR @ DIPAK @ DIPAK KUMAR @ UJJWAL @
UJJWAL KUMAR @ ADHYAYAN Son of Mukesh Das Resident of Lala Toli
Hansraj Ki Deohari, P.S.- Khajekalan, Town, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, AAG-IX

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 27-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 108 of 2019, dated 01.03.2019, registered at Police Station Rupaspur under Sections 457 and 380 of the Indian Penal Code.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is a case of theft. Articles i.e. two silver coins of 25 grams each, two gold coins of 10 gram and 5 gram were already stood recovered from the possession of the petitioner, which fact is seriously disputed by the petitioner. Prima facie also it



appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 09.04.2019; no further recovery is to be made from the petitioner, nor any custodial interrogation is required; has fully cooperated in the investigation and the trial is nearing completion.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur in connection with Rupaspur P.S. Case No. 108 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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