

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34031 of 2020**

Arising Out of PS. Case No.-123 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

SANTOSH KUMAR GOND @ BAITERY @ BATTERY @ BATARY Son of
Jawahir Gond @ Jawahar Gond Resident of Village - Sondhila, P.S.- Buxar,
District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-12-2020 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Veena
Kumari Jaiswal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Buxar (M) P.S. Case No. 123 of 2020 registered for
the offence punishable under Section 380 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
First Information Report on 14.04.2020 during night hours when the
informant was not in her house a theft took place in her house. In the
next morning when she returned, found main gate open and several
articles from her house were stolen.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case. It



is submitted that the petitioner has been made accused in this case only on the basis of confessional statement and no incriminating article has been recovered from his possession. The petitioner is in custody since 18.05.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case as also the fact that the petitioner is in jail in connection with this case since 18.05.2020, he was not named in the FIR and nothing incriminating has been recovered from his possession as also that the petitioner has no criminal antecedent, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 123 of 2020 , subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the



facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below 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 court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

