

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19917 of 2021**

Arising Out of PS. Case No.-769 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Kundan Kumar @ Kundan Kumar Sah, S/O Bhola Sah, R/O Mohalla-
Utarwari Pokhara Turha Toli Temple Ward No.10, P.S-Kalibagh O.P., District-
West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 379/411/414/34 of the Indian
Penal Code.

Prosecution case, in brief is that as per FIR, the
informant had been collecting materials for marriage of his
daughter in a room of Savitri Dharmshala. On 03.12.2020 at
about 6.00 am when he went to inquire his goods, he did not



find any article in the said room of Dharmshala. The window of the room was found broken. Thereafter, informant started searching his goods and in course thereof it came to light that entire materials were carried by the co-accused on the Thela of this petitioner and the same has been kept in the shop and accordingly, he informed to the police and thereafter, police recovered all the materials from the fruit shop of petitioner and arrested him. On interrogation he disclosed the names of co-accused persons, who have committed theft of alleged articles and brought on his Thela and he has kept the same in his shop.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the police has recovered all the materials from the fruit shop of the petitioner and arrested him. On interrogation he disclosed that co-accused, namely, Raja Kumar @ Bipin Kumar, Murad Mian and Sikandar have committed theft of alleged articles and brought on his Thela and he has kept the same in his shop. All the stolen articles have been recovered by the police. The petitioner is languishing in judicial custody since 04.12.2020. The petitioner has got 03 criminal antecedents which is mentioned in para 3 of the bail petition.



Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Bettiah (T) P.S. Case No. 769/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be



cancelled.

(4) that the petitioner shall co-operate 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.

(Anjani Kumar Sharan, J)

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