

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24713 of 2021

Arising Out of PS. Case No.-123 Year-2020 Thana- BEUR District- Patna

MD. RAJA @ MD. RAZA Son of Md. Jaffar Resident of Kurawali Gali,
Shahganj Jama Masjid, P.S.- Sultanganj, Dist- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 380/457 of the Indian Penal Code.

As per the prosecution case, petitioner and other accused persons are alleged to have committed theft in the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner's name has figured during course of investigation in confessional statement made by him in other case. Even the informant has also raised suspicion with respect to the role of the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been allowed bail by a co-



ordinate bench of this Court vide order dated 22.3.2021, passed in Cr.Misc.No. 35128/2020. petitioner is in custody since 15.12.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been recovered from the conscious possession of the petitioner and similarly situated co-accused has already been allowed bail, let the petitioner, mentioned above, 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 Additional Chief Judicial Magistrate III, Patna in Beur Police Station Case No. 123 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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