

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30616 of 2021**

Arising Out of PS. Case No.-792 Year-2019 Thana- KHAGARIA District- Khagaria

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Dhananjay Kumar @ Dhanannjay Kumar, aged about 20 years, Male Son of
Birendra Singh, Resident of Village- Amni, PS- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the State : Mr. Mustaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 18-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Binod Kumar, learned counsel for the petitioner and Mr. Md. Mustaque Alam, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Khagaria (Muffasil) PS Case No. 792 of 2019 dated 23.10.2019, instituted under Sections 461 and 379 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 05.01.2021 passed in Cr. Misc. No. 32222 of 2020.

5. The allegation against the petitioner is that he had stolen the laptop, camera, wi-fi, cash and important documents from the shop of the informant.



6. Learned counsel for the petitioner submitted that the Court has already considered the merits as has been noted in the last order of rejection. However, it was submitted that the Court may consider one aspect i.e., there was no document produced by the informant to establish that the articles which were recovered from the petitioner belonged to him as upon being asked for the papers, he had stated that he had burnt the same. Learned counsel submitted that the petitioner is suffering from various diseases and his left leg and right hand was fractured in a motorcycle accident and his left eye was also injured and since then he has lost vision in one eye. Learned counsel submitted that the petitioner is in custody since 17.02.2020. It was submitted that though the petitioner has been made accused in seven other cases, but all such implication has been after the police took him on remand in Khagaria PS Case No. 58 of 2020, which is the case related to the present case. Further, it was submitted that the cases relate to petty theft and ancillary allegations and there is no major allegation of committing a crime which is a threat to society as a large or would damage the society in general. Further, learned counsel submitted that the Court may impose strict conditions on the petitioner to ensure that he does not commit any crime again.



7. Learned APP submitted that the Court has already considered and rejected the matter on merits and no fresh grounds have been shown for reconsideration.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is persuaded to allow the prayer.

9. Accordingly, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria in Khagaria (Muffasil) PS Case No. 792 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses and (iv) the petitioner shall appear before the SHO of his local police station every Sunday morning at 11:00 AM. Any violation of the terms and conditions of the bonds or the undertaking or failure to appear before the SHO every Sunday at 11:00 AM shall lead to cancellation of his bail bonds. The petitioner shall



cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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