

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39858 of 2020

Arising Out of PS. Case No.-321 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

SHUBHAM KUMAR Son of Dinesh Mahto Resident of Mohalla - Purani
Gudari, Bhawani Singh Marg, P.S.- Town, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 379 & 411 of the Indian Penal
Code.

The prosecution case, in brief, is that petitioner is
said to have been caught hold while taking away some articles
from godown and his associate managed to escape.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. No



incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The fact of the matter is that the petitioner was engaged as labourer in the said Transport Company and some wages was due against the said Company which was demanded by the petitioner regularly and to this effect some discussions had taken place on 31.05.2020 and in order to teach lesson and to grab the wages of the petitioner, this false and frivolous case has been lodged against him with connivance of the police. The petitioner has been languishing in custody since 02.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Muzaffarpur in connection with Town P.S. Case No.321 of 2020, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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)

Trivedi/-

U		T	
---	--	---	--

