

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3466 of 2021**

Arising Out of PS. Case No.-153 Year-2020 Thana- KHAJANCHI HAT District- Purnia

SUJAY DAS S/O Ratan Das Resident of Mohalla - Vivekanand Colony,
Purnea, P.S. - K. Hat, Dist. - Purnea. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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

2 09-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with K. Hat (Sahayak) P.S. Case No. 153 of 2020 registered for the offence punishable under Sections 457, 380 of the Indian Penal Code and later on Section 401, 411 and 414 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that the F.I.R. has been lodged against unknown for theft of three metal (ashtdhatu) idols from the temple.

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



submitted that nothing has been recovered from the possession of the petitioner and he has not been put on Test Identification Parade. The name of the petitioner has come in the confessional statement of the co-accused and he is in custody since 27.05.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the submission on behalf of the petitioner has not been controverted by learned A.P.P. for the State that the name of the petitioner has come in the confessional statement of the apprehended co-accused, however, there is no recovery of any incriminating article from the possession of the petitioner and the co-accused similarly situated has already been released on bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 38190 of 2020, let the petitioner above named be released on bail on furnishing of 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, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 153 of 2020, subject to the condition as laid down under Section 437 (3) 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

