

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2751 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- SIWAN CITY District- Siwan

Khurshed @ Chengra S/o- Md. Firoz Resident of Mohalla- Makhdum Saray
Miskar Toli, P.S.- Saray O.P., Siwan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Siwan Town P.S. Case No. 184 of 2021
registered for the alleged offences under Sections 461 and 379
of the Indian Penal Code.

As per prosecution case, unknown thieves entered into
a bank branch after breaking locks of the strong room and took
away a double barrel gun along with a number of live cartridges.
However, no cash was stolen from the said branch. The name of
the petitioner came up during investigation as one of the thieves.

Learned counsel for the petitioner submits that

petitioner was arrested in Siwan Town P.S. Case No. 137 of 2021 and his confession was recorded in which he admitted his complicity in this case. But the same was under duress. Nothing incriminating has been recovered from the possession of this petitioner and the story about only one gun missing and another gun being thrown at the same place does not appear to be believable and creates doubt over the prosecution case. The petitioner is a poor person and doing work of scrap dealer and he has been falsely implicated in this case as well as Siwan Town P.S. Case No. 137 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 27.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner implicated himself in his statement recorded in some other case.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the period of his custody along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond

of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan in connection with Siwan Town P.S. Case No. 184 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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