

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12514 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BAHADURPUR District- Patna

MD. KHALID @ KHALIL Son of Md Jalil Resident of Mohalla- Dargah
Road Uchakapar, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bahadurpur P.S. Case No. 179 of 2021 registered for the offence
under Section 380 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2021

The allegation against the petitioner is to commit theft
in the flat of the informant and while committing so taken away
one laptop, one mobile, aadhar card and driving license along
with other educational certificates of one Rakesh Kumar, who is
the roommate of the informant.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of self-confession and has been remanded in this case on 26.11.2021 from Bahadurpur P.S. Case No. 264 of 2021. It has also been submitted that no theft article has been recovered from the possession of the petitioner and remand in present case is purely based upon suspicion, by taking note of criminal antecedent of the petitioner. It has further been pointed out that the petitioner involved in similar nature of six(6) cases, where almost in all cases, name of the petitioner surfaced on the basis of confessional statement of co-accused, as of the present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing recovered or incriminating surfaced during course of investigation which may connect the petitioner, *prima facie*, with present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Bahadurpur P.S. Case No. 179 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patnacity/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Nargish Khatun, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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