

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13217 of 2022

Arising Out of PS. Case No.-118 Year-2019 Thana- SAHARGHAT District- Madhubani

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OM PRAKASH JHA @ BITTU JHA Son of Bibhakant Jha @ Diwakar Jha
Resident of Village- Teotha, Ward No. 1, P.S.- Banipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 21-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be re-
moved within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 457 and
380 of the Indian Penal Code.

Allegation is of theft of Aadhaar Card, PAN Card,
cheque book, vehicle key, slippers, mobile phone, cash Rs.
50,750/- one signed cheque from the house of the informant by
some unknown persons.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted by the learned counsel for the petitioner that



the theft was committed on 23.10.2019, the F.I.R has been registered against unknown persons on 27.10.2019 and the same has been received in the Court of learned SDJM, Benipatti on 29.10.2020, and there is no plausible explanation for delay in lodging F.I.R.. It is further submitted that as per the allegation, I.O. arrested the petitioner near bank, where the petitioner was going to incash the stolen cheque. Further, it is stated that the said cheque was not the same cheque which was mentioned in the F.I.R.. The petitioner is in custody since 29.10.2019 and charge-sheet has been submitted in this case, has antecedent of nine cases.

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

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 118 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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