

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13473 of 2022

Arising Out of PS. Case No.-117 Year-2019 Thana- SAHARGHAT District- Madhubani

Om Prakash Jha @Bittu Jha Son of Bibhakant Jha @ Diwakar Jha Resident of
Village - Teotha, Ward no.1, P.s.- Benipatti, Distt.- Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party : Mr.A.G

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, 380
of the Indian Penal Code.

As per the prosecution case, on 20.10.2019, when the
informant along with his wife reached his house after treatment
of his wife from Delhi and Kolkata, he unlocked the main door
and entered into the house and saw that the lock of all four
rooms were broken and found that jewellery, Rs. 16,000/- cash
and other articles were stolen. Thereafter, the informant lodged
F.I.R. against unknown persons.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been made accused in this case only on the basis of self-confessional statement of the petitioner. Further, it is submitted that the F.I.R. was lodged against unknown persons and nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner is in custody since 12.05.2020, charge-sheet has been submitted in this case and has antecedent of nine cases.

Learned A.P.P for the State opposes the prayer for 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, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 117 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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