

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18244 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- SIMRI District- Buxar

Jai Prakash Kumar @ Jugal @ Jugul, Son of yamraj Kunwar Resident of
Village - Dumri, P.S.- Simri, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-07-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Simri P.S. Case No. 160 of 2021 instituted under Sections 457,
380/34 of the Indian Penal Code.

The informant has alleged in the FIR that he is an
employee of Electricity Department and his village home, regularly
theft was committed. Although he was knowing the names of the
accused persons, he did not disclosed their names earlier which
embolden them and led to the present occurrence in which Panasonic
T.V. L.E.D., inverter, two batteries, stabilizer, two golden chain and
two rings, thirty sarees and cash of amount were stolen. This time he
chose to name the accused persons in view of the fact that he was
being regularly harassed and his house was ransacked by the accused
persons.



Learned counsel for the petitioner submit that petitioner has been named in the FIR, no one is witness to the alleged occurrence, the stolen articles were actually recovered from the brick kiln of Ajay Ray and he is in jail since 31.07.2021.

Although the aforesaid submission of the recovery of stolen articles has not been stated in the bail application, the learned counsel for the petitioner has categorically submitted that his statement should be recorded about the said recovery from the brick kiln of Ajay Ray.

Taking into account the fact that there is no eye-witness to the alleged occurrence, the recovery of the stolen articles is/are from the brick kiln of Ajay Ray, the petitioner is in custody since 31.07.2021, charge-sheet stands submitted and vide Cr. Misc. No.16940/2022 Arvind Kunwar, Akash Kumar @ Akash Kunwar and Vikash Kumar @ Vikash Kunwar have since been released on bail by this Court on 18.07.2022. It has further been submitted that the other co-accused namely Pankaj Kunwar has also been released on bail vide Cr. Misc. No.53730/2021 dated 03.12.2021, this Court is inclined to grant them the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Simri P.S. Case No. 160 of 2021 to the satisfaction of learned ACJM-IV, Buxar , subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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