

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28438 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- JOGBANI District- Araria

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Bishu Das @ Bisho Das @ Bisho Kr. Tatma Son Of Kishor Das @ Kishor
Tatma R/O Village- Swastik Nagar, Ward No.-6, P.S.- Jogabani, District-
Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 Let the defect(s), if any, as pointed out by the office,

be removed within four weeks.

None appears on call.

The case is registered under sections 457, 380 of the

Indian Penal Code, in connection with Jogbani P.S. Case No.

226 of 2021.

As per the prosecution story, the informant has

alleged that when he opened his transport office, he found the

lock of the office broken and accused persons decamped with

Rs. 45,000/- cash and a laptop kept in the 'Almirah'. From the

CCTV footage, some of the accused persons were identified

which included the petitioner herein. Accordingly, the FIR came

to be lodged.



As per averment made in the FIR, despite no criminal antecedent, he has been falsely dragged in his case having no concern with the alleged occurrence and is in custody since 29.9.2021.

Considering the aforesaid fact that he is in custody since 29.9.2021, the charge-sheet stands submitted as also as per para-3 he has no criminal antecedent and ultimately has to face the trial, this Court is inclined to grant him the privilege of bail. However, if it is found that false statement has been made in para-3 and he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned ACJM-V, Araria, in connection with Jogbani P.S. Case No. 226 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of



bail by the Trial Court itself;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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