

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28482 of 2022

Arising Out of PS. Case No.-510 Year-2021 Thana- DHAKA District- East Champaran

SANTOSH THAKUR @ SANTOSH JANAK THAKUR Son of Awdhesh Thakur Resident of Village - Hanuman Nagar, P.S.- Dhaka, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 Heard Mr. Umesh Chandra Verma, the learned counsel for the petitioner and Mr. Bharat Bhushan, the learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The case is registered under section 395 of the Indian Penal Code, in connection with Dhaka P.S. Case No. 510 of 2021.

As per the prosecution story, five accused persons barged into the home of the informant and after threatening her, decamped with all valuables present in the house. Accordingly, the FIR was lodged.

The petitioner who was taken into custody in



connection with Dhaka P.S. Case No. 578 of 2021 under sections 380, 457 and 411 of the Indian Penal Code on his confession was remanded to judicial custody in this case.

Learned counsel for the petitioner submits that the confession before the police has no evidentiary value, inasmuch as, despite his custody since 3.12.2021, it is not the case of the prosecution that anything has been recovered from his conscious possession and/or they have resorted to T.I. parade and in absence of that, he deserves bail.

Considering the aforesaid facts that the petitioner is in custody since 3.12.2021, no T.I. Parade has been done, nothing has been recovered from his conscious possession and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that he has criminal antecedent.

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 learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, in connection with Dhaka P.S. Case No. 510 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 month till conclusion of the trial to mark his presence;

(iv) he 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 take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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