

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30273 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

Rakesh Pal @ Rakesh Ranjan, Son of Kalash Bhagat @ aKailash Pal,
Resident of Village - Maheshpur Near Kali Asthan, P.s.- babarganj
(Mojahidpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mojahidpur (Babarganj) P.S. Case No. 74 of 2021, registered for the alleged offences under Sections 461, 379 and 411 of the Indian Penal Code.

As per prosecution case, unknown thieves broke open the office of middle school and took away 500 kg of rice, 200 pieces of steel plates, leather stamp pad etc.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and has been falsely implicated in this case showing recovery of some stolen articles from his house. But the articles recovered from the house of the petitioner are not stolen property and the seized rice belongs to the family of the petitioner and was kept for consumption. Similarly, other articles are also the household articles found in any family home. Moreover, the seized articles do not tally with the stolen ones. Some of the articles have been shown to be recovered from the house of co-accused and he has been granted regular bail by the learned Children Court, Bhagalpur. The petitioner is also a young student and has passed Matriculation examination and is in custody since 03.12.2021 and charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that recovery of stolen articles has been made from the house of the petitioner.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering his period of custody along with submission of charge-sheet in this case, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 74 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

